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Washington, D.C.

100th Congress
1st Session

COMMITTEE PRINT

CSCE
100-1-20

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

UNITED STATES CONGRESS

HUMAN RIGHTS IN CZECHOSLOVAKIA: THE DOCUMENTS OF CHARTER 77

1982—1987

Printed for the use of the Commission on Security and Cooperation in Europe

U.S. GOVERNMENT PRINTING OFFICE
80-484
WASHINGTON : 1988

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

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FORWARD

This tenth anniversary volume of Charter 77 documents is a testament to a group of Czechoslovak citizens who have inspired human rights defenders the world over with their courage. Charter 77 signatories have spoken out honestly and forthrightly in a society beset by routine human rights violations. They have done so at great personal risk of imprisonment, exile, harassment or other punishment by Czechoslovak authorities.

If this volume speaks of courage, it speaks also of dedication. The signatories to Charter 77 voluntarily have undertaken the responsibility to monitor their Czechoslovak government's adherence to the principles enunciated in the 1975 Helsinki Final Act. With each manifesto, they have sought to engage the Czechoslovak government in a dialogue.

Never have the Chartists tried to hide their activities. In fact, they have openly provided the authorities with copies of their documents and encouraged them to respond in kind. Unfortunately, the regime's only response to the Charter initiatives has been further repression.

Despite continuing repressive state actions, Charter 77 has not narrowed its activities. Rather, it has widened the scope of issues it addresses in its reports, from the legacy of World War II to the current economic situation, from contemporary music to nuclear energy. Its broad interests reflect the diversity of over 1,100 Charter signatories, who come from every age group and every walk of life.

Its work goes beyond reporting. It does not just issue statements, but engages in dialogue. It does not just criticize, but proposes solutions. Through VONS (Committee for the Defense of the Unjustly Persecuted), Chartists are involved with individual Czechoslovak citizens and groups whose rights are being violated. They inform the West of important developments in Czechoslovak society and the world. They engage in dialogue with other East European activists, as well as West European organizctions and individuals.

Most importantly, Charter 77 continues to uphold its commitment to safeguard and exercise "the right of individual[s] to know and act upon [their] rights and duties" embodied in Principle VII of the Helsinki Final Act. This right, perhaps more than any other, has been violated consistently in Czechoslovakia. Charter 77 just as consistently has risen and continues to rise to the challenge of defending rights the Czechoslovak authorities ignore.

For ten years Charter 77 has remained true to its unifying principle: the unbreakable link between peace and human rights. Its work has found echoes all over the world, as others take on the responsibility of ensuring their countries' implementation of the Helsinki Final Act and the Madrid Concluding Document.

STENY H. HOYER
Chairman

Dennis DeConcini
DENNIS DeCONCINI
Co-Chairman

December 1, 1987

ACKNOWLEDGMENTS

That the writers of these documents worked tremendously hard and at great risk is clear. But it should be no less clear that it took the efforts of many others to make this publication possible. The Commission wishes to acknowledge with gratitude the contributions by all those people, both here and in Europe, who have dedicated so much to this volume.

One individual, in particular, must be singled out for praise. Mrs. Anna Faltus has been chiefly responsible for not only securing but translating the materials presented here. For the past five years she has continued the herculean task that she undertook with the Commission's first volume of Charter 77 documents, published in 1982.* Her selfless struggle for Czechoslovak human rights is as rare as it is commendable.

Human Rights in Czechoslovakia: The Documents of Chater '77 1972 - 1982, published by the Commission on Security and Cooperation in Europe, Washington, D.C., 1982.

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Guide to Abbreviations Used in This Volume

CSAV: Ceskoslovenska akademie ved (Czechoslovak Academy of Science)

CSR: Ceskoslovenska republic (Czechoslovak Republic)

CSCE: Commission on Security and Cooperation in Europe

CSSR: Ceskoslovenska socialisticka republicka (Czechoslovak Socialist Republic)

CTK: Ceskoslovenska tiskova kancelar OR Ceskovsolvenska tlacova kancelaria (Czechoslovak Press Bureau)

ILO: International Labor Organization

KOR: Komitet Obrony Robotnikow ([Polish] Committee for the Defense of Workers)

KSC: Komunisticka Strana Cesckoslovenska (Communist Party of Czechoslovakia)

KSS: Komitet Samoobony Spoleczneij ([Polish] Committee for Social Self-Defense)

KSS: Komunistiska Strana Slovenska (Communist Party of Slovakia)

MBFR: Mutual Balanced Force Reductions

PEN: International Association of Poets, Playwrights, Editors, Essayists and Novelists

PNS: Postovni novinova sluzba (Postal Newspaper Subscription Service)

ROH: Revolucni odborove hnuti (Revolutionary Trade Union)

Sb.: Sbirka zakonu republicy Ceskoslovenske (Journal of the Laws of the Czechoslovak Republic)

SNB: Sbor narodni bezpecnosti (National Security Corps)

STB: Statni (tajna) bezpecnost (State Security Police)

UN: United Nations

UNECSO: United Nations Educational, Scientific, and Cultural Organization

UNITA: (National) Union for the Total Independence of Angola

USSR: Union of Soviet Socialist Republics

UV KSC: Ustredni vybor komunisticke Ceskoslovenska (Central Committee of the Czechoslovak Communist Party)

VONS: Vybor na obranu nesprvedlive stihanych (Committee for the Defense of the Unjustly Persecuted)

Letter to the Czechoslovak Government
Concerning the CSCE Madrid Meeting

Document No. 29/82

October 22, 1982

To the Government of the CSSR, Prague

We are turning to you in the name of those citizens trying to convince the organs of our Czechoslovak state to respect their signature on the Final Act of the Helsinki Conference on Security and Cooperation in Europe, and to implement, with regard to its citizens, all obligations, principles and norms stipulated in properly ratified international covenants on human rights. Charter 77 came into existence as an answer of Czechoslovak citizens to the appeal embodied in the Helsinki Final Act. The purpose of Charter 77, and the goal toward which the group has been working for several years, is to bring about the day to day implementation by our country of the principles of the Helsinki Final Act.

We read very attentively--as did many other citizens of our country--the statement made by the Minister of Foreign Affairs of the CSSR during the debate of the General Assembly of the United Nations on July 10, 1982. In this statement, the Minister expressed our government's interest in the CSCE process and its hope that the CSCE meeting, which is to reconvene in Madrid, will continue with a constructive dialogue confirming the process of detente. He also voiced the hope of our government that the Conference will quickly conclude with the acceptance of a comprehensive and balanced final document.

We cannot disagree with this. It corresponds with suggestions and proposals voiced by Charter 77 spokespersons in a letter addressed to you on the eve of the Madrid Conference on September 17, 1980, and again before the Conference was reconvened on February 22, 1981. The Helsinki Final Act is an important and purposeful event, one which can assist citizens in gaining a dignified life and in securing the existence of humanity. We believe in peaceful coexistence and we believe that the Helsinki Final Act can assist in attaining these goals.

Just as citizens of a country which, in the 1930s, paid disastrously for striving for peace at any price, we are aware that the word "peace" is far from unambiguous. It can serve propagandistic rhetoric or as a cover-up for the expansion of a great power; it can serve a contemptuous ruler in domination over people and in religious repression; it can become a label under which the powerful unite against the powerless; and it can also be an expression of resignation and a surrendering of human dignity and the selling out of all human values--all in the name of selfish self-preservation.

When representatives of the Czechoslovak government speak about the preparation of a "balanced" Madrid concluding document, it means that they acknowledge the fact that this concluding document should touch on all the principles of peaceful coexistence and cooperation as specified in the Helsinki Final Act. It also concerns obligations of participating governments to respect the basic rights and freedoms of their citizens, as defined in the Universal Declaration of Human Rights and in the International Covenants on human rights. Implementation of these agreements, to which the participating governments are committed as far as their citizens are concerned, is, according to the Helsinki Final Act, a prerequisite for and a part of real peaceful coexistence and cooperation.

The meetings in Belgrade and in Madrid have, however, thus far only brought up the fact that there is no agreement among the participating states as to the content and the realization of this particular principle which was so distinctly expressed in the Helsinki Final Act. We are, therefore, of the opinion that it should be our governments' contribution to the CSCE process to state the following: in order to make the word "peace" unambiguous, both heads of state and ordinary citizens must conceive and formulate peace not only as a truce or armistice between states, but as a life within a state where values such as freedom, human dignity, responsibility, sacrifice for others, and respect for truth would have priority. Peace efforts of statespersons will become credible only when they are accompanied by or based upon peaceful internal relations, based on mutual respect for laws and rights of a respective government towards its own citizens.

Tensions among states can be neutralized only as long as the source of conflict does not spring from tensions between those who govern and those who are governed. A nation which is ruled by the arbitrary and irresponsible use of power which is not controlled by its citizens, or which does not respect the laws it enacts, cannot be considered one which would abide by any agreement, let alone an international agreement.

We are, therefore, of the opinion that our delegation in Madrid could best work towards a constructive dialogue by assisting in formulating the concluding document in such a way that it would include, among other things, a pledge by all participating governments to consistently comply with the provisions of international covenants on human rights and to bring, within a stated period of time, its own laws (as well as the practice of its security organs) in to accordance with these covenants.

The effectiveness of such an agreed pledge would be assisted by the establishment of a coordinating organ of the CSCE, which would monitor the implementation of these pledges and which would be in contact with the citizens' initiatives which have formed and are active in most of the participating states. This would indicate that not only governments but also the citizens of the respective countries want to be actively engaged in the implementation of the provisions of the Helsinki Final Act. There is no doubt that one of the prerequisites for continuous and creative development of the process which started in Helsinki is the creation of conditions which would increase mutual trust among participating states. One of the conditions which would definitely increase the credibility of words spoken about peace is proof of the consistent implementation of all principles and obligations embodied in the Helsinki Final Act. This would best and most effectively prove the will of the respective government to respect the rights and freedoms of its citizens.

The position of our delegation in Madrid, as well as the credibility of the peace policy of our government, would be substantially strengthened by the following:

a. the government should immediately release from prison and/or rescind the sentences of those citizens who demanded consistent implementation of the obligations accepted by the Czechoslovak government by its signature on the Helsinki Final Act. The citizens are J. Adamek, J. Barta, R. Battek, V. Benda, O.Bednarova, Z. Cerovsky, J. Duka, M. Fryc, J. Gruntorad, V. Havel, R. Hlozanka, J. Hrabvina, M. Hybek, S. Javorsky, I.

Jirous, J. Krumholc, J. Litomisky, Fr. Lizna, D. Nemcova, P. Pospichal, G. Povala, G. Rompf, R Smahel, Fr. Starekj, Dr.Trojan, P Uhl, A. Zlatohlavby and others;

b. the government should stop the criminal prosecution, police persecution and employment discrimination of those citizens demanding implementation of provisions of the Helsinki Final Act. This would apply to the following citizens: J. Belikova, J. Dolista, J. Hajek, I. Havel, O. Havlova, Ing. Holomek, J. Horec, Z. Jicinsky, E. Kanturkova M. Kusy, K. Kyncl, L. Lis, V. Maly, J. Mlynarik, J. Muller, J. Nemec, Jan Ruml, Jiri Ruml, J.Savrda, J. Siklova, M. Simecka and others;

c. the leading state agencies should consistently fulfill their constitutional duties in accordance with Article 29 of the Constitution regarding citizens who are demanding the implementation of the said principle and who are bringing to the attention of the authorities its violations; and

d. the federal assembly, the government, and the general prosecution should agree on a factual and objective re-examination of valid laws in the spirit of the Helsinki Final Act and of the International Covenants on human rights. In particular, they should examine the Penal Code, the Law on SNB (Secret Police), and the practice of the juridical and security authorities in order to bring them into line with obligations the President of the Republic and the government accepted by signing those international documents which serve the cause of peace and cooperation among states. It would be useful if the General Prosecutor, or some other authorized institution, would implement Chapter 6 of the Constitution of the CSSR concerning the Constitutional Court, which has not yet become active.

As Charter 77 spokespersons have stated in previous documents (see document No. 15 in 1978 or documents No. 12 and 22 in 1982), the participants of this citizens' initiative group are ready to cooperate constructively with the respective authorities on the task of confirming the genuine will of Czechoslovakia to contribute to the cause of peace and security in Europe and in the world.

Prague, October 22, 1982
Dr. Radim Palous   Anna Marvanova   Ladislav Lis
Charter 77 Spokespersons

Professor Dr. Jiri Hajek
Member of Collective of Charter 77 Spokespersons

Dr. Vaclav Benda and Rudolf Battek,
Charter 77 spokespersons, are presently in prison.

Letter to the Polish Embassy on Solidarnosc

Document 29/82

November 9, 1982

On November 10, 1980, the existence of the Polish Trade Union Movement, Solidarity, was legalized. The world is now remembering the second anniversary of this important event. This year, however, this legalized movement as well as other existing trade union movements were officially abolished. This action presents a great obstacle to the emancipation activities of the Polish workers and Polish citizens.

Solidarity originated as an expression of a citizens' movement for an independent trade union organization which would defend the interests of the Polish workers. It was not a protest against the Polish Communist Party or socialism in Poland, but a movement in response to the spontaneous longing for social reforms and one which shared many of the interests of the new state representation which was being established. All this was done, we want to stress again, on the basis of legal agreements which were incorporated into law through appropriate channels.

This new legalized independent and self-governing trade union had, in a short period of time, gained recognition and authority, which was reflected by its 10 million members. Its esteem and respect went beyond the borders of Poland. It was welcomed with hope by trade union centers of all political views and by other organizations, including many communist parties, as a new, significant initiative for peace.

The abolition of the legalized trade union Solidarity delayed, again, the hope for creating sensible and universally acceptable social-political conditions not only in Poland itself, but in all of Europe. This action did not assist efforts to bring about a constructive dialogue at the Review Meeting of the Conference on Security and Cooperation in Europe, which is now reconvening in Madrid.

Charter 77, whose mission is to defend human rights, is alarmed by the situation in Poland. There, decisions are being made by military might rather than by the voice of the people; i.e., by respecting their basic human rights. This is felt not only inside Poland, where it is creating a situation more oppressive and hopeless than it was two years ago--because hope, which existed then, no longer exists--but in other countries of the Eastern bloc. It is opening the door to a repressive apparatus at the expense of political solutions and giving preference to force before sensible negotiations. The specter of the 1950s is entering the 1980s in Eastern Europe. Charter 77 feels it is its duty to bring this actual danger to the attention of all people of good will.

Prague, November 9, 1982
Dr. Badim Palous Anna Marvanova Ladislav Lis
Charter 77 Spokespersons

Jiri Dienstbier
Member of the Collective of Charter 77 Spokespersons

Open Letter to the PEN Club

Maison Internationale, Paris

Document No. 14/83

May 14, 1983

We are turning to your organization, whose mission is the defense of cultural values, with an urgent plea for help. From time to time the world is informed about the persecution of some citizens in our country for their criticism, for their convictions, and for distributing unofficial literature.

We want to bring to your attention an important and thus far little known side of these repressions: the continuing destruction of artistic and scientific works. During house searches, which are conducted on the basis of charges of "incitement" or "subversion," the police confiscate various literary works, such as prose, poetry, translations, philosophical works, essays, etc. This concerns not only books that were published in Czechoslovakia or abroad, but very often the author's own manuscripts or typed samizdat copies.

There are hundreds of writers or authors in Czechoslavkia who cannot publish their works in their own country. Their names are listed in a detailed samizdat directory of Czech writers. These are not only fiction writers, but also philosophers, critics, journalists and scientists in various fields of science. Many of them have been condemned to silence --with a short period of activity during the 1960s--since the Coup of February, 1948. Many have not published since 1969. Others cannot publish because their works are not supporting the official ideology, or simply because some political functionary does not like them. However, even those who are allowed to publish cannot publish everything they would like to publish, and many of their works remain in the form of manuscripts. Non-conformist writers and those whose works are forbidden have only one chance of getting in contact with readers, and that is by copying their works by typing. Hundreds of books have been "published" this way, and many of these unedited productions--most notably the samizdat editions "Petlice," "Kvart," and "Expedice"--could very well compete with the official publishing houses.

It is difficult to explain how much dedication and courage is needed for this type of publishing of literature. It can, and often does, become the reason for criminal proceedings by the Czechoslovak authorities based on arbitrary application of certain paragraphs of the Czechoslovak Penal Code, such as "incitement," "subversion," "forbidden to publish," etc.

During house searches, the police also confiscate books published in the 1970s and 1960s by the official Czechoslovak press, all Czechoslovak publications published abroad, and all foreign books. We are enclosing a list of these confiscated books and other literature which was prepared from several protocols prepared by the police during house searches of the homes of Vaclav Benda, Dragomira Fajtlova, Ivan Havel, Eva Kanturkova, Mojmir Klansky, Dana Nemcova, Jiri and Jan Ruml, Jaromir Savrda, Jirina Siklova, Josef Zverina and several others. There were many house searches during the last few years and it is impossible to prepare a complete list of confiscated literature.

The police protocol states that if criminal proceedings are instituted, confiscated material is used as "proof" and is not returned to the owner. However, the confiscated material is not returned even when no criminal proceedings take place.

When the owner of the confiscated material insists on its return, a special criminal proceeding takes place, during which the authorities officially certify their decision that the confiscated material is the property of the state. We do not know what happens to these books and manuscripts once they are taken away. We have reason to believe that these cultural treasures are being destroyed. These are irreplaceable losses because many of the works are original manuscripts or texts in progress and are therefore impossible to reconstruct later.

We want to point out a few examples of this senseless, criminal practice. During many house searches the police confiscated copies of both a collection of poetry by the national poet Jaroslav Seifert, Destnik z Piccadilly (Umbrella from Piccadilly) and his memoirs, even though both books were recently officially published in Czechoslovakia. During the house search at the home of the Ruml family, the police confiscated Documents of the Conference on Security and Cooperation in Europe--Helsinki 1975," published by the official publishing house Svoboda. Writers Mojmir Klansky, Eva Kanturkova and others lost their manuscripts as well as books published at home and abroad. We could list many such instances of such absurd action by the security police.

We, therefore, ask you to take upon yourself--in accordance with the mission and purpose of the PEN Club (many of the Czechoslovak writers are also members of the PEN Club)--the task of discussing this anti-cultural practice with official representatives of the official Czech culture and to press upon them to return, if they still exist, all confiscated books, manuscripts, texts and other materials to their authors and owners, and to ask them to stop this immoral practice.

We thank you for understanding this difficult situation and for your assistance, which will benefit not only us. Your action will also give support to the elementary right of the freedom to write.

Prague, May 14, 1983
Jan Kozlik Marie Rut Krizkova Anna Marvanova
Charter 77 Spokespersons

Vaclav Havel
Member of the Collective of Charter 77 Spokespersons

cc: PEN American Center, New York
PEN Zentrum, West Germany
Ministry of Culture, CSSR
Union of Czech writers

A list of manuscripts or typewritten material confiscated during house searches by the police follows. (The list is incomplete because much of the information is unavailable. The actual number of confiscated materials is much higher.)

1. Anna Achmatova: "Requiem"
2. Rudolf Bahro: "Alternative"
3. Rudolf Battek: "Essays from an Island"
4. Vaclav Benda: "The Black Girl"
5. " " "Letters from Prison, I, II"
6. Zbynek Benysek: "Lady-Rector"
7. Egon Bondy: "History of Philosophy"
8. " " "Diary of a Girl"
9. " " "Two Novels"
10. " " "The Second Collector"
11. " " "The Handicapped Siblings"
12. " " "January in the Country"
13. " " "Marketa Machovcova"
14. " " "The Immortal Girl"
15. " " "Remarks to the History of Philosophy IV"
16. " " "Plastic People"
17. " " "Prose A"
18. " " "Collector"
19. " " "Statement on Eschatology"
20. " " "Minutes" (of a meeting)
21. Ivan Binar: "Reconstruction"
22. The Future of Czech Catholicism
23. Vladimir Bukovsky: "The Soviet Man or Truth Against Force"
24. D. Bonhoeffer: "Letters from Prison"
25. Gregory Corso: "The Army"
26. Karel Capek: "Why I Am Not a Communist" (excerpts from an official publication)

27. Czech Textbook (texts from Frantisek Palacky and Karel Havlicek Borovsky)
28. Czech Culture and Occupation
29. Czechoslovak Essays 1975-1977
30. Czechoslovak Essays 1978-1979
31. Vaclav Cerny: "Further Study of Books of the Edice-Petlice"
32. "— " "The Sense of Our Culture"
33. Square No. 2 and 3
34. Gypsies--Legend and Reality
35. Dialogues 1978, 1979, 1980
36. Discussion of the Article by Petr Pithart
37. Jiri Dienstbier: "Plays" (theater)
38. " " "Three Acts"
39. S. Dali: "The Conquest of Irrationalism"
40. Lawrence Ferlinghetti: "I Am Starting from San Francisco"
41. " " "Lunapark in the Head"
42. " " "The Message of Words"
43. " " "Pictures of a Disappeared World"
44. Petr Fidelius: "A Slide on a Slanting Surface"
45. Ladislav Fikar: "A Tombstone"
46. Filmology Today (translation of essays)
47. Frolik: "The Confession of a Spy"
48. Allen Ginsberg: "Wailing"
49. Romano Quardini: "The End of the New Age"
50. Frantisek Halas: "Last Will"
51. Ing. Vaclav Havel: "My Memoirs II"
52. Vaclav Havel: "Two Acts"
53. " " "The Power of the Powerless"
54. " " "Trial"
55. " " "Vernissage"
56. " " "The Beggars Opera"
57. M. Heidegger: "What is Philosophy"
58. " " "Conversation with Spiegel"

59. Zbynek Hejda: "Lady Feltham"
60. " " "The Nearness of Death"
61. Ladislav Hejdanek: "Letters to a Friend"
62. J. Heroldova: "The Followers of Change" (264 pages of manuscript)
63. The History of the Roman-Catholic Church in Bohemia and Moravia 1948-1978
64. The Hour of Hope (Almanac of Czech Literature)
65. Miloslava Holubova: "Life After Death"
66. Dana Horakova: "A Day Full of Fools"
67. Bohumil Hrabal: "The Town Where Time Stopped"
68. " " "I Served an English King"
69. " " "Too Noisy Solitude"
70. " " "Three Melancholy Grotesques"
71. Jaroslav Hutka: "Yards"
72. " " "Tin-Can"
73. " " "Encounter with a Rock"
74. Karel Hynek: "Books of Poetry"
75. Jindrich Chalupecky: "The Path of George Kolar"
76. " " "The Case of Eva Kmentova"
77. " " "Richard Weiner and Czech Expressionism"
78. To a Certain Alexander K. 1979
79. Ivan Jirous: "A Report on a Third Czech Musical Renaissance"
80. Vera Jirousova: "Prose"
81. Vladimir Kadlec: "When Billions Are Being Wasted"
82. Eva Kanturkova: "Twelve Dialogues"
83. " " "Essays"
84. " " "Man in the Tower" (last proofreading)
85. " " "The Black Star" (last proof reading)
86. " " "Stories for Blek"
87. " " "Dream About Evil"
88. " " "Three Novels"

89. Frantisek Kautman: "How We Searched for Freedom with Jack"
90. Mojmir Klansky: "Agriculture and the Spring of 1968"
91. " " "Agriculture after 1948-1968"
92. " " "Exile" (text with the author's corrections)
93. " " "Elegy"
94. " " "Field Full of Weeds" (the last version)
95. " " "Miraculous Fountain" (all copies)
96. " " "Stories, Essays" (all copies)
97. " " "Remarks, Drafts"
98. Ivan Klima: "Gallows"
99. Ladislav Klima: "Texts"
100. Alexandr Kliment: "Boredom in Bohemia"
101. Helena Klimova: "Wishing Everyone the Truth"
102. Eda Kriseova: "The Collarbone of a Bat"
103. " " "Perchta from Rozmberk, or the White Lady"
104. Pavel Kohout: "Theatrical Play"
105. " " "Poor Murderer"
106. " " "Contribution to the Discussion On the Real Alternative of the Czechoslovak Present"
107. " " "Contribution to Balance One Discussion"
108. Jiri Kolar: "Prometheus' Liver"
109. Antonin Konecny: "Escorts"
110. " " "Glass Meadow"
111. Bozena Komarkova: "Some Remarks On Pithart's Experiment with Motherland"
112. " " "Origina and the Significance of Human Rights"
113. Tadeusz Konwicki: "A Small Apocalypse"
114. Kopecky-Hodan: "After Seven Years"
115. Iva Kotrla: "February"
116. Miroslav Kusy and Milan Simecka: "Big Brother and Big Sister"

117. Karel Kryl: "Doubts"
118. " " "Words"
119. Marie Rut Krizkova: "Testimony Which Could Not Be Voiced"
120. Leopold Lebeda: "Fate of Writers in Revolutionary Movements"
121. Ales Lederer: "Essays"
122. S. Lewis: "Mimner"
123. Eduard Lipinski: "Experience and the Future"
124. Jan Lopatka: "Prerequisites for Creation"
125. Milan Machovec: "Jesus for Atheists"
126. M. Mandelstamova: "Memoirs, First Part"
127. Jiri Nemec: "Letters from Ruzyne (Prison)"
128. Henri Michaux: "Space Inside"
129. Oldrich Mikulasek: "Agogh"
130. Eugenie Montale: "English Corner"
131. Zdenek Neubauer: "Deus et Natura" (essays)
132. Independent Socialists 1977-1979
133. About Life in Truth
134. Vlaimir Obollsky: "Discarded Stones" (texts for songs)
135. Martin Palous: "Leaving the Earth and Jules Verne"
136. Radim Palous: "The Significance of Bolzan"
137. " " "Conversion"
138. " " "Godchildren"
139. " " "The School of Age"
140. Jan Patocka: "Two Studies of Masaryk"
141. " " "Heathen's Essays"
142. " " "The Oldest Greek Philosophy"
143. " " "Art and Philosophy"
144. Ota Pavel: "The Race Through Prague" (essay)
145. Frantisek Pavlicek: "That Was a Long Ago"
146. Karel Pecka: "Essays from the Mala Strana District (of Prague)"
147. Jiri Pechar: "A Word about Solitude"

148. Jiri Pistora: Gaps in Memory"
149. Petr Pithart: "Disi-Risks"
150. Jiri Placek: "Secret Walk"
151. ~~Glances I~~ (Literary Collection)
152. Adolf Portman: "About New Horizons in Biology"
153. J. Potuckova: "People in One House"
154. Lenka Prochazkova: "The Pink Lady"
155. " " "Three Stories"
156. L. Mizera: "The Three Kings"
157. Lyrics of Miroslav Ptacek
158. Milos Reajchrt: "The Situation of the Church and the Believers"
159. Petr Rezek: "Some Work on Psychology"
160. Petr Rezek: "Philosophical Sketches"
161. Bohuslav Reynek: "The Seeds of Solitude"
162. " " "Piety"
163. R.M. Rilke: "Elegy fron Duina" (translation by J. Grusa)
164. Heinrich Rombach: "Faith in God and Scientific Thinking"
165. Pierre de Ronsard (translation of poetry)
166. Vasilij Rozanov: "Loneliness"
167. Jiri Ruml: "Calendarium"
168. " " "About the Book of M. Bezouska"
169. " " "A Man in a Position Outside the Play" (unfinished manuscript)
170. " " "A Mark on the Soul"
171. " " "A May Essay"
172. " " Two Chapters of the Book, "House Search" (manuscript)
173. " " Draft-Manuscript: "A Happy Woman" (about the life of Gertrude Dekaninova-Cakrtova)
174. " " Draft-Manuscript: "Man of the Century," (Book About Frantisek Kriegl)

175. "With Jiri Woskovec About Anything" (Interview AJL)
176. Collection: Jawlowska, Patocka, Heidergger and Others
177. Collection on the Occasion of the 75th Birthday of Professor Vaclav Cerny
178. Karol Sidon: "The Gates of Frost"
179. " " "An Old Case"
180. " " "Thirteen Windows
181. Collections of the Underground
182. Collection of Texts of Mert, "The Songs of Pictures"
183. Jaroslav Seifert: "To Honor V. Holan"
184. Jaroslav Seifert: "All the Beauties of the World" (Memoirs published in Czechoslovakia in 1982)
185. " " "The Column of Plague"
186. " " "The Umbrella from Picadilly" (published in Czechoslovakia, 1980)
187. Olga Scheinpflugova: "Verse Written before Death (April 12, 1958)
188. Karel Schulz: "Legends and Invocations"
189. Jan Skacel: "The Error of Peaches"
190. " " "Poetry"
191. Miroslav Skalicky: "Snowwhite--or the 15,000,000 Dwarfs"
192. Dictionary of Czech Writers
193. Current Czech Slang in Criminalogy and World Slang
194. Alexandr Solzenytsin: "The Oak and the Calf"
195. Karel Soukup: "Book of Poetry and Song Texts"
196. Andrej Stankovic: Liberated Babylon
197. " " "Poetry"
198. Vera Stiborova: "The Day of the Ladies"
199. " " "Ikariana"
200. Frantisek Samalik: "Carter and Gramsci"
201. Karel Siktanc: The Czech Astronomical Clock
202. Milan Simecka: The Restoration of Order

203. Jan Simsa: "The Blessed of the Pure Heart"
204. " " "Hromadka's Critique of Masaryk"
205. " " "Remarks to the Book of Job"
206. Vladimir Skutina: "The Prague Spring"
207. Karel Stainer: "Seven Thousand Days in Siberia"
208. Drawer (Magazine Nos. 1, 2, and 3 and editorial agenda)
209. Julius Tomin: "A Show"
210. Zdena Tominova: A Theatrical Piece (prose)
211. " " "Total Engagements"
212. Josef Topol: "Goodbye, Socrates"
213. Tu Fu 625 Verses (translation of Chinese Poetry from the 6th Century)
214. Karel Trinkewitz: "Metaroman"
215. Vlastimil Tresnak: 137 pages of manuscripts
216. " " "Grandfather"
217. " " "Romulus and Romus"
218. " " "Geographer"
219. Mark Twain: "Excerpts from the Diary of Adam"
220. Ludvik Vaculick: "Czech Dreamer"
221. " " "Guinea-Pigs"
222. " " "Encounter with Poetry"
223. Marie Valachova: "The Heart is Not an Ace of Clubs"
224. Jan Vladislav: "Fragments"
225. " " "Sentences"
226. " " "Six Dry Needles for Jiri John"
227. " " "Secret Reader 1, 2, 3, 4"
228. " " "About People, Birds and Flowers" (stories)
229. " " "Great Animal Epic"
230. Jan Vodnansky-Petr Skoumal: "Guinea-Pigs"
231. S. Vondrackova: "It Was Freezing--It Was Melting"
232. Jiri Weil: "Wooden Spoon"
233. Jiri Wolf: "Reels"
234. Jiri Voskovec: "Recommendation"

235. Ivan Vyhnal: "Best Generation"
236. Jan Zabrana: "Only the Dead Do Not Become Involved"
237. Commentaries by Jan Werich, which he made abroad
238. Abridged version of the History of the KSSS
239. Ing. Zukal: Economic Revue--Spring, 1979
240. Josef Zverina: "Not to Live in Hate"

Xerox Copies of Certain Texts

1. A.M. Besnard: "Spiritual Life Today and Tommorrow"
2. K. Rahner: "Ordinary Things"
3. Johannes Grundel: "Ten Commandments for the Present"
4. "The Paths of Thoughts--Philosophical collection"
5. Theological Collection
6. Theological Texts
7. Information about Churches

Books Published Abroad

1. Acta Creatonis (in German)
2. Bible
3. R. S. Brissenden: Michael (Magazine Westerly, 1975)
4. W. Congrave: Marilyn Monroe
5. Encyclical Redemptor Hominis (in Latin and Polish)
6. Europe Archive
7. O. Filip: Ascension of Lojzka Lapacek, I--III
8. Julius Firt: Books and Fates
9. V.L. Grosman: The Bride
10. Dusan Ramsik: The Writers and Power
11. Maxim Gorkij: Untimely Thoughts
12. Jiri Hajek: Dix Ans Apres (Ten Years Later)
13. Vaclav Havel: The Power of the Powerless (Edition of the Londyaske Listy)
14. Preaching of Evangeli~~o~~m (Christian Academy in Rome)
15. Frantisek Janouch: Unimproved Postcard from China

16. Zdenek Kalista: Venerable Marie Elekta (KA Rome)
17. Eva Kanturkova: We Met in This Book
18. " " Den Swarta Stajarnan (Black Star, Edition Alba Stockholm)
19. Erazim Kohak: The Nation in Us
20. " " About Life in Truth
21. Pavel Kohout: White Book
22 " " Katyn
23. H. Kovalyova: On One's Own Skin
24. Jiri Lederer: Czech Talks
25 " " Palach (German edition)
26. O. Ley: The Prague Rapids
27 . Arnost Lustig: From the Diary of the 17-year-old Pearl Sch. (edition 68, Toronto)
28. Letter from Pope John Paul II to All Priests on the Occasion of Easter, 1979
29. Jakub Loew: Jesus, Called Christ
30. Ed. Lipinski: Experiences and the Future
31. Osip Mandelstam: A Heft for the Executioner
31. International Agreement about the Legal Standing of Refugees
33. Laco Mnacko: Wie die Macht Schmeckt (How Power Tastes) (published also in Czechoslovakia)
34. Zdenek Mlynar: The Frost Comes from the Kremlin
35. " " The Czechoslovak Experiment with Reforms
36. A. Muller: Voices from Home
37. George Orwell: Farm der Tiere (Animal Farm)
38. Ludek Pachman: God Cannot Be Chased Out
39. " " Entanglements from Ruzyne
40. Boris Pasternak: Doctor Zhivago
41. Karel Pecka: Pasage (edition 68, Toronto)
42. " " Splitting
43. Message from Pope John Paul II to the World, Peace Day, January 1, 1980

44. J. Ratzinger: Introduction to Christianity (KA Rome)
45. Z. Salivarova: Honzlova
46. R. Selucky: East is East
47. Gordon Skilling: The Czech Renaissance (published in Canada)
48. Study Nom. 66, VI/79 (Rome)
49. Vladimir Skutina: The Russians are Really Coming (Magazine, Zurich)
50. " " At the Castle Full of Fools (Konfrontace)
51. Josef Skvorecky: Cowards (published also in Czechoslovakia)
52. " " Engineer of Human Souls
53. " " Lion
54. A. Solzenitsyn: The Cancer Ward
55. " " The First Circle
56. " " Letter to the Representatives of the Soviet Union
57. Tomas Spidlik: The Key to the Unknown (KA in Rome)
58. " " Following Your Paths (Rome)
59. Anton Terstenjak: About Human Relations (Rome)
60. Visit of John Paul II in Poland
61. The Basis for Justice and Peace
62. Josef Zverina: Ich Habe Mich Entschieden (I Have Decided)

Officially Published in Czechoslovakia (Books or Magazines)

1. Charles Baudelaire: Courtisan (translated and published in 1943)
2. Albert Camus: The Myth of Sisyphus
3. Magazine, Face 1/1965
4. Vaclav Cerny: The Cry of the Czech Crown (published but not available for sale)
5. Federico Fellini: The Road
6. Ladislav Fialka: The Art of Pantomime

7. Grosman and Simek: Stories
8. Dusan Hamsik: The Writers and Power
9. Josef Kainar: How to Catch a Pike
10. Literatare in the United States (published by the American Embassy, 1971)
11. Arthur Miller: What is Dramatic
12. J. R. Pick: Seven Boaquets
13. Push (special edition on August 22, 1968)
14. Albert Schweitzer: People in the Jungle
15. The World in Pictures (January 28, 1970--Palach)
16. Ivan Svitak: What is the Philosopher Doing
17. " " With Head Against the Wall (text of a lecture at the Charles University)
18. J. Savrda: Historical Reminiscences
19. " " Car Stop on a Saturday Afternoon
20. " " Travel Diary
21. " " The Street with a Forbidden Entry
22. M. Svandrlik: Black Barons
23. N. Tvardovsky: Torkin in the Other World
24. Documents of the Conference on Security and Cooperation in Europe (Helsinki 75--Edition Svoboda, 1975)

Letter Sent by Political Prisoners to the World Congress for Life and Peace, Against Nuclear War

May 22, 1983

We, the political prisoners in the Plzen-Bory Prison, are turning to the World Congress for Life and Peace, Against Nuclear War, because we regard the question of peace on our planet as our own. Peace is the central concern of today. All of humanity is endangered, as is each individual. A government that does not secure calm and peace for its own citizens cannot be considered sincere in its international efforts in this regard.

In our country, in Czechoslovakia, there is much talk about preserving peace in the world. On the other hand, the authorities, without bashfulness, sent to prison many citizens for expressing their civil, political or religious convictions and beliefs, for spreading important cultural ideas, and for activity in civic initiatives which seek implementation of basic human rights.

Now, in prison, we are personally experiencing the consequences of human rights violations. It is just not possible to talk about peace for the whole world while, at the same time, to deny freedom to defenseless people. Our families and relatives are also affected.

The only reason for our imprisonment was our effort to see to it that human rights are respected in our country. Because we regard peace as embracing all basic human rights, we are asking you to bear in mind that the rights of all political prisoners in the world are inseparably connected with world peace. Without peace among people there can never be any peace among nations.

Plzen, May 22, 1983

Zbynek Cerovsky Petr Pospichal Jan Litomisky
Marek Simon Frantisek Lizna Josef Prusa
Lubomir Bazant Jiri Devaty

Letter to the International Labor Organization (ILO)

Document No. 18/83

May 24, 1983

In 1977, the citizens' initiative Charter 77 documented several dozen cases of discrimination in employment against signatories of the Charter 77 Human Rights Manifesto. This practice of Czechoslovak employers, courts, and unions was brought to the attention of the ILO by the International Confederation of Free Trade Unions because this practice concerned violation of Convention 111, which forbids discrimination in employment. Convention 111 was ratified by Czechoslovakia in 1964, thus becoming an integral part of the Czechoslovak legal system.

The ILO has had this complaint on its agenda for the past several years, and it remains on its agenda. This has, without a doubt, had positive results. Czechoslovak official agencies were forced to revise at least some of the decisions concerning the most obvious cases of Charter 77 signatory firings, mostly those of manual workers. The employers, i.e. the supervisors of state enterprises and organizations, were ordered (for the present) to forego any mass firings of Charter 77 signatories. The Federal Assembly of the CSSR debated some of the provisions of the Labor Law and revised certain interpretations of paragraphs which were cited as legal justification for dismissal from employment. Charter 77 is grateful to all who, through their interest and activity in this regard, brought about the removal of at least some of the most visible provisions of labor discrimination in the past several years.

Despite all of these positive results, however, discrimination in employment still continues in Czechoslovakia. Discrimination in employment does not show itself so much in firings of citizens for their political views and civic stands but in not hiring all of those who have or who might have political views different from the official views on even the least important positions in state government, economic, cultural and scientific fields. This type of discrimination is practiced against hundreds of thousands of Czechoslovak citizens.

This type of practice--the so-called practice of "cadre screening," is very often not noticed, but all Czechoslovak citizens are familiar with it because it follows them from their first year in school practically until they die. This practice is not based on any norms of the Czechoslovak Penal Code, but on the norms determined by the organs of the Communist Party of Czechoslovakia, in which all the power in the country is concentrated. As far as employment conditions are concerned, legal norms are subjugated to political considerations.

Selection of all students for colleges and universities is based on political considerations, on norms which are not based on our legal system, and on norms which violate the constitutional principle of equality of all citizens. This practice takes into consideration the standing of parents in the hierarchy of the political structure rather than the abilities, knowledge, and diligence of the applicants.

Similar criteria are used while reviewing applications for employment for even the least important positions in the professional field--such as foremen in factories, clerks in government offices, employees in editorial rooms, and of course, for all positions as directors in all enterprises, deans in universities and "elected" officials of societal organizations. The basic criteria is not professional expertise but dedication to the power structure.

An example of such an illegal norm, stating the criteria for selection of employees, is the decision of the Presidium of the Central Committee of the Czechoslovak Communist Party, dated November 6, 1970, and which is still in force. The following is a quotation from Rude Pravo dated August 1, 1980: "Qualification is judged by political maturity, class consciousness, desired degree of theoretical knowledge and expertise, life and work experience, skills and abilities, general outlook and intellect, personal character, and abilities. However, the significant ingredients are political views, loyalty to socialism, to Marxist-Leninist policy of the Communist Party of Czechoslovakia and the socialist state, friendship to the Soviet Union...." This double standard is also used to determine the pension of citizens who retire. Those who proved their dedication to the power structure and who served it well are allocated so-called special "personal" pensions (the scale of which was never made public) which are much higher than pensions of "normal" citizens.

The basic sign of these illegal norms--besides their being placed above legal norms--is the fact that citizens are only passive subjects to the application of their rule. Generally, citizens are not allowed to know the exact text of these norms (the cited quotation in Rude Pravo is an exception); they are not allowed to participate in a discussion about their cases, and generally do not, in most cases, know the content of the decision, although they bear the consequences of such decisions. Above all, they do not have the opportunity to appeal such decisions; the files which contain the evaluation of their performance from the results of the screening follow them from school to school, from employer to employer. There is no escape from this system in Czechoslovakia, for it is applied in all enterprises, institutions, organizations, offices, cooperatives and schools.

In order to ascertain whether Convention 111 is implemented in Czechoslovakia, it does not, therefore, suffice to study the official texts of legal provisions in that regard. Without the knowledge and information concerning these illegal, but binding, norms--which carry much more weight than legal norms--every evaluation will be incomplete and distorted. It would, therefore, be appropriate for the ILO to appoint a special commission to study, in Czechoslovakia, the various norms concerning this issue in order to ascertain to what extent discrimination exists in employment. This, in our view, would be the best way to lower the number of cases of discrimination in employment, to which tens of thousands and hundreds of thousands of citizens of Czechoslovakia are subjected.

Jan Kozlik   Marie Rut Krizkova   Anna Marvanova
Charter 77 Spokespersons

To the World Congress for Peace and Life, Against Nuclear War

Document No. 20/83

June 15, 1983

To the Assembled Delegates:

Because you are not indifferent to the fate of humanity on this earth and are willing to accept responsibility for that fate, we expect that you--to a far greater degree than those who only think about themselves--can perceive the fearful depth of the crisis in which our work and our humanity find themselves. It is one of the aspects of this crisis that one might call the crisis of peace. You will be dealing with this aspect at your conference.

There are today many regions of the world which, while not actually at war, would be difficult to describe as being "at peace." The reason for this is that they do not enjoy, for example, peace between their citizens and the state--a relationship which forms the basis for any sensible human community. Wherever this kind of peace is lacking there can be no guarantee of external peace. A government which does not serve its citizens, which is deaf to their opinions and their basic rights or which tries to suppress them, and which holds itself outside of any public control, falls prey to the desire to further extend its influence. Inevitably that also means extending its influence "outwards." By suppressing public opinion and civil rights such a government increasingly looks after its own narrow interests and concerns itself less and less with general human interests. Thus, it becomes a danger to all. It is able to gain the support of its citizens--even if involuntarily--for any and every action it undertakes not only through its inherently expansive nature, but also by becoming more adroit at manipulating its citizens.

Such a government will then easily become enticed by a state of affairs in which, having determined that its own military preparations program is outside the realm of all discussion, will find itself with far greater freedom of action than if it were confronted by public opinion. Moreover, a government which denies the truth about conditions and events within its own sphere of control can hardly expect to gain the trust of other governments even if it genuinely is trying (in the pursuit of its own interests) to come to an understanding with them. Any power which lives in a permanent state of tension vis-a-vis its society is, in fact, a power in a permanent state of mobilization. Again, this does not contribute to the hopes that it will be a reliable partner in mutual efforts to secure a real and lasting peace. Instead the peace which results will be a peace which suits such a government's own ends and which is achieved on such a government's own terms.

The superpowers in this effort do not trust each other and for that reason their negotiations are very difficult. But why is it that they mistrust one another? Because, knowing what they do about each other, they have a thousand and one reasons for mutual suspicion. They, better than anyone else, know how easy it is to flout solemnly-signed agreements while in fact they desire to divide the world into spheres in which their influence predominates. They know how to expand and then suppress the legitimate interests of their citizens, sometimes inconspicuously and indirectly, at other times quite directly and brutally.

There can be no genuine peace without genuine trust, and there can be no genuine trust, as long as the selfish interests of the various establishments--despite the noble phrases that they use to disguise them--remain more important than the real prosperity of all peoples, of all nations, of the whole world.

There is also no hope of instilling into governments' thinking this profound and fundamental sense of responsibility for humanity on a global scale unless they are forced by hundreds of thousands or even millions of ordinary men and women. This is unlikely to happen unless there is a radical change in the very structure of today's humanity. This will not happen until people cease to be a captive of their own limited vision of individual happiness, confining their horizons and making them indifferent to wider issues. This narrow perspective will, in the end, be problematical and will place their happiness in jeopardy.

We see the present peace movement as one such attempt to bring about a profound change in humanity's thinking. For this reason we, who are also not indifferent to the fate of humanity, are willing to enter into a dialogue and to cooperate with it. We welcome it and consider ourselves linked with it by the same basic desire to create a better world. But it is this very desire which prompts us again and again to point out the various deeper aspects of the problems of peace, especially those to which our specific experience has taught us to be sensitive.

As has been pointed out, there is a close link between peace and human rights. In our opinion, this is more than simply a connection between two different, more or less independent phenomena. We are dealing here with a single phenomenon, or rather, with two aspects of one and the same indivisible problem: a world crisis of the responsibility of powers which in turn stems from the crisis of human responsibility in general. This crisis has additional, but no less important, dimensions such as the deepening chasm between the rich and the poor parts of the world, or the continuing devestation of nature, the environment, and all the riches which are hidden in the earth and which people so absurdly ravage and destroy in contradiction to their own interests. To exclude any of the dimension from the whole picture of which it is a part would mean to delude oneself and to condemn one's efforts, however well intentioned, to failure from the outset.

Naturally, we welcome all international negotiations aimed at reducing armaments and we rejoice at every sign of success, however limited, as well as at every new attempt of one side to arrive at some sort of understanding with the other side. However, at the same time, we do not conceal our conviction that all the partial successes achieved on this level cannot, unfortunately, amount to anything more than a contribution to the strengthening of the present state of armistice and to cooler emotions in restraining militaristic dreams and to curbing the expansion of the armaments industry. These negotiations in and of themselves cannot, however, create genuine peace. They can merely help to create more favorable conditions for it. This is one of the factors, which may--but it is not at all certain that it will--create an atmosphere in which it will be easier to strive for the achievement of genuine peace. (That is, easier but anything but easy.) The basic underlying causes of the present sad state of the world cannot be removed in this way, no matter how successful the negotiations in this particular sphere turn out to be. The reduction of several hundred of these dreadful weapons on each side will not do anything to secure life on this planet. By this we mean a truly human, dignified, just and free existence, an existence which is based on mutual respect and understanding and an unflinching resolve to fight against everything that jeopardizes it anywhere in the world. People can still go on suffering as much, or even more, in the shadow of the remaining number of weapons.

Charter 77 is a citizens' movement, independent of the state power, but not aiming to fight against that particular state power or supplant it with another power. Its goal is solely to work for a world where human beings will really live as human beings--in freedom. This can be said another way: a world where citizens will live in peace. Genuine peace means at peace with one's self, with one's fellow citizens, with one's government, and with citizens of other lands. Last, but not least, it means at peace with those who will come after us.

This ideal has brought together over one thousand of our men and women, citizens of differing views and backgrounds. These people have been active for more than six years--despite all the difficulties and obstacles that they had to overcome--in the country which is the host to your conference. They consider it their duty to express their opinions on questions of war and peace. In particular, they see it as their duty to stress that there can be no peace without freedom and that what is understood by the term "human rights" and by the term "peace," are mutually dependent aspects, mutually dependent conditions for a truly human life on earth. Any attempt to rescue one at the expense of the other--such as an attempt to rescue peace at the expense of freedom--will in the end fail to save either.

Charter 77 will not be taking part in your conference.

This is not because it does not wish to do so, but because it has not been permitted to take part. Therefore, it sends you its greeting in the form of this statement. At the same time, it also encloses a samizdat publication, Charter 77 On Peace, so that it will be possible for you to understand the thinking of the signatories. This publication has been compiled on the occasion of your Peace Congress as a contribution to it. It contains several Charter 77 documents which deal with the subject of world peace as well as with some essays written by Charter 77 signatories and by citizens who sympathize with its aims. We ask you to read this publication which serves as proof that we, too, treat questions of world peace with all seriousness despite the fact that we have other specific problems to deal with.

Undoubtedly, we all agree that the future of this planet concerns each and every one of us. For that reason alone, we all have the right to know how those who represent us at international disarmament conferences are dealing with the issue involved as well as what these talks achieve.

In conclusion, we propose that your conference include in its resolution an appeal to all governments to inform their citizens fully and objectively, without distortions, about the outcome of these talks, telling them not only about their own proposals, but also about proposals made by the other side. This will acquaint citizens not only with their own government's arguments and statistics in an authentic and uncensored manner, but also with the arguments and statistics put forward by the other parties to the negotiations.

It is difficult to think of a more modest concession on the part of the government with regard to its citizens. Still, this might well prove to be a most significant development because it would open to public scrutiny the actions of every government in this very important sphere of its activity. If this request were granted, it would represent a major contribution to the success of the talks themselves. It would also be an important step on the road to public supervision of social forces which are today extremely difficult to control. In other words, it would not just be a contribution to the armistice discussed at international disarmament talks but a big step on the road to a genuine peace. This peace is of concern of all of us because it would be a peace created and guaranteed by all of us. Peace arrived at in this way will not benefit one side only and it will not be achieved at the expense of anyone. Such a peace, therefore, offers life in freedom for all. We firmly believe that peace, as the stated objective of the world and of human existence, is our common goal.

We wish you every success in your discussions.

Prague, June 15, 1983
Jan Kozlik Marie Rut Krizkova Anna Morvanova
Charter 77 Spokespersons

Former Charter 77 Spokespersons:
Dr. Vaclav Benda Jiri Dienstbier Dr. Jiri Hajek
Vaclav Havel Dr. Ladislav Hejdanek Marie Hromadkova
Marta Kuisova Vaclav Maly Dr. Radim Palous
Dr. Bedrich Placak Milos Rejchrt Dr. Jaroslav Sabata

Ing. Rudolf Battek and Dr. Ladislav Lis are presently in prison.
Zdena Tominova is in exile.

Encl.: Charter 77 On Peace

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Translators Note: We have not received the samizdat publication (enclosure). However, all the documents on the peace movement issued by Charter 77 have been translated and should be in the files of various agencies. We probably do.not have the individual essays which are included in this samizdat publication. Any important documentation concerning this issue will be translated and forwarded, as soon as it is received.

PLEASE NOTE THAT THE DOCUMENT IS SIGNED ALSO BY VACLAV HAVEL AND JIRI DIENSTRIER, WHO WERE RECENTLY RELEASED FROM PRISON, AND DR. VACLAV BENDA, WHO WAS RELEASED FROM PRISON JUST A FEW DAYS AGO.

As was reported earlier, the Czechoslovak government considers even sending a letter to the Congress a "provocation." Some Charter 77 signatories were called to the police headquarters for interrogation and informed that they may be charged under paragraph 112 of the Penal Code (harming the interest of the CSSR abroad).

Samizdat Literature in Czechoslovakia

"George Moldau"

August, 1983

When I write to my friends abroad about the situation in Czechoslovakia, there is one problem I seem to encounter almost every time at every turn: using words such as "second culture," "dis-culture," "unofficial" or "independent production," "underground," etc. These words have a different meaning here than they have abroad.

Unofficial publications, or "pseudoperiodicals" or "occasionals," as they are called, are "published"--i.e., typed and copied on typewriters (carbon copies)--by various groups. Because it is relatively easy to find these "underground publishing houses," these publications are not proponents of a specific ideology or a politically formulated program. Punishments are harsher and prison sentences longer for such set views. Instead, they are a collection of expressions of views on certain subjects by certain groups.

Thus, in these publications we may find discussions by poets, critics or philosophers which are conducted on various levels. Sometimes the young authors "discover" something which has already been written about; sometimes their writing is original, reflective of the present situation. It is not this generation's fault that the last exhibit of surrealism in Czechoslovakia was in 1963, exactly 20 years ago; or that the works of the Russian philosopher Bardajev have not been published here since the Second World War.

This gap is filled by "unofficial literature" which, however, is also considered "anti-state activity" (see the trial of Ivan Jirous for his writing in the magazine Vokno [The Window]).

Many of these "periodicals"--or, rather, "non-periodicals" (the "publishing" of samizdat literature depends on the energy and time of those who have the task to copy it) spring up as a form of "self-service" in the field of literature, or even in politics. Someone--usually young people--likes a certain text. That person then translates it, makes copies for personal use and friends. If any of the friends also like it, they add their comments and it is circulated further. Gradually it will develop into a "magazine." Sometimes it will also carry an outline of a program and "editors" are listed under a pseudonym.

Not long ago someone dropped into my mailbox a mimeographed magazine, Prostor (Space) with several pseudonyms but no address. A request was made for articles to be published in the magazine. The way to find out who is behind it, is to talk with your friends and through this network one does, in the end, find the source, especially when one sends an article for publication. Sometimes these articles are corrected somewhat or shortened. However, they are never sent back to the author for review. Such articles never appear under the real name of the author. That happens only in very rare circumstances.

Once there was a magazine published under the name of Zebra. Unfortunately, it is not around anymore. However, it was useful to a group of individuals who were able to meet, cooperate, and express their views on culture and politics and prove to others that something can be done even if one does not bend and conform to the directives of the official structure.

We should not view with alarm the fact that most of these samizdat magazines or periodicals disappear after a short period of time. What is important is that for a time they brought life into this cultural desert. The reasons for their demise are many. Sometimes those working on the magazines are imprisoned (for example, magazines such as Vokno [The Window], Vehy [The Scales], etc.) and sometimes they are persecuted to such an extent that they have to dissolve their group or move to another part of the country. Some emigrate. At other times, the "editors" do not have enough time to coordinate their employment-time commitment with their "underground" work in the "editorial room" to prepare and to copy the materials for distribution. This was the main reason for the demise of the magazine Spektrum. As was stated before, sometimes the leader of the group is imprisoned, sometimes he is asked to leave the country. Then the magazine stops circulating and dies.

One magazine dies. Another one, however, springs up. Although I have not had the chance to see or read most of it, I have a very good idea as to the extent of unofficial literature. I know, for example, that in Northern Bohemia, five magazines have come and gone. In the Ostrava region, they are copying parts of Listy (published abroad) and adding their own comments. Southern Bohemia and Moravia have three similar independent magazines.

Besides those magazines just mentioned, there are several "magazines" devoted to religious matters, mainly of Catholic orientation. The Evangelical church has official permission to publish a few magazines. In these religious magazines, the basic articles are mostly of studies published abroad (for example, the magazines Studie or Promeny). These are supplemented by information from Poland, or elsewhere. Some of these magazines are mimeographed, which, under our circumstances, is a "highly technical" process.

All of this is done, all of this springs up, only to die and to renew itself again. This occurs despite the fact that the strength of the people of the "underground" (which is not a proper description) is being depleted. Many are tired (nobody thought that the regime established in 1968 with the assistance of the Soviets would stay in power so long) and many have emigrated. There are new people joining. However, the new people come from the ranks of dissidents who participate in the publishing of magazines and belong to the new generation. These new people do not react through their opposition to "what has been" (as far as 1968 is concerned), but to "what is now." There is hope in this development, but there is also sadness.

There are some publications which have lasted a long time, such as the monthly publication, Informace o Charte (Information about Charter 77), which is called Infoch for short. The first issue was published about six months after the 1977 issuance of Charter 77's Manifesto. Its function is to inform the public about the Charter and VONS (Committee for the Defense of the Unjustly Persecuted). Usually about 30-40 single-spaced typed pages Infoch publishes all the materials, documents, and statements of Charter 77 spokespersons as well as VONS communiques. It gives information on political trials, imprisoned citizens, and other matters in this field during the past month. Occasionally, it includes important articles published abroad which relate to our problems. Out of all the publications which are published here in samizdat form, the Informace o Charte is the most political. Despite that, it still exists. Anna Sabatova and Petr Uhl, who is serving the fifth year of a prison sentence in Mirov Prison, are named as representatives of the editorial board. Prior to their being made public, the statements and documents published in the magazine are sent to the representatives of the respective government bodies, as stipulated in the program of Charter 77.

The Kriticky Sbornik (Critical Collection) and the Historicky Sbornik (Historical Collection), have also been in existence for several years. Kriticky Sbornik has been in existence for three years and Historicky Sbornik for five years.

The typed Kriticky Sbornik has from 80-100 pages and is published about four times a year. It was first published in the spring of 1981. It contains articles, studies, reviews and reports on new samizdat publications as well as on books published abroad. "Official" publications generally are ignored and only seldom reported--such as a television series by J. Dietl. There is not enough time or space in this publication to deal with official literature. We have enough problems with our own production. Since 1982 this "magazine" has had a regular column reserved for discussions. Sometimes it also has excerpts from articles published abroad--such as the article, "Betrayal Somewhat Differently," by James Hillman or excerpts from a book by the Polish author Czeslav Milosz like The Captive Mind. The translations are excellent. They are prepared by former university professors who were fired and by former professional editors. We translate and write about everything that is of interest to us, what is being discovered by us in the world of literature, as well as about works about which it is not permitted to write "officially," such as works by Josef Skvorecky; a review of Vaculik fiction or of a book by Ivan Klima (The Standing Gallows); a review of a book by Mojmir Klansky (Exile); reflections of Vaclav Havel; or "Letters from Prison by Vaclav Benda," which were published in the last issue.

Sometimes foreign magazines publish an article, review or essay from one of the above mentioned samizdat publications thereby helping us to enlarge the circle of our readers.

There also exists a "periodical", published irregularly, under the title, Selection from the Czechoslovak Self-service. The self-service means self-service in culture, namely the samizdat literature. It has a similar function to that of Edice-Expedice, which prints articles requested by readers or complete books in serial form. But this "self-service" publication also prints short stories, studies, and essays written by authors in Czechoslovakia. There is a steady circulation among the population of various articles, reviews, translations, as well as some views expressed anonymously, or even under a real name. These are being circulated by people themselves, by copying for each other, i.e., "self-service."

It is impossible to name all of the articles being circulated. There are now hundreds of "papers," and each could be published in an established good literary or philosophical monthly magazine, if one were published here. The last time we were able to read such critical articles was about 15 years ago in Literarni Noviny (Literary Newspaper), which was published officially. Today, such articles are being written for a circle of friends and others interested in specific issues.

Other publications print papers, articles, texts--literally hundreds of them--written by historians and philosophers who are not permitted to publish their works officially. Not long ago (in 1980) a collection of works honoring Thomas G. Masaryk, the first President of Czechoslovakia, was published. This collection dealt with the degradation of his works and the silence that surrounds him. Before 1968, it was possible to write about this openly. It was a time of more openness in our society. Masaryk's personality and discussion of him were first-class "politics." Now we have silence and not even school children learn about him. This publication exists only in a few copies and contains articles written by authors abroad. Those which were copied abroad were confiscated in that famous French car in 1981.

The Ministry of Interior--where confiscated books and articles are stored--has become a "depository" of literature or a "reading room for literary scientists." There must be hundreds, even thousands of books stored there, all of which along with other such items were confiscated during house searches. Unfortunately, the Ministry has not as yet become a "reading room," and it will be some time--if ever--before the Ministry will release these items to the public.

There also exists a publication dealing with "tolerance." A publication dealing with historical subjects is published regularly, or almost regularly. The last such publication, the ninth, was published in November 1982. These publications contain about 200 typewritten pages and are called "Historical Studies." These studies deal mainly with Czech and Czechoslovak history of the 19th and 20th centuries, which officially is distorted most of the time or not dealt with at all. Several publications have dealt with studies mostly written by Milow Hajek of the Comintern as well as with the Czechoslovak Communist Party. The last two issues contained sociological studies by Jaroslov Klofac (who died in 1981), which dealt with the social structure of Czechoslovakia after 1945. The authors of most of the articles in this publication are well-known Czechoslovak historians, who after 1968 were forbidden to work in their field. Some of the studies are published under a pseudonym, but some appear under the real name of the author.

The conditions under which these people work are terrible. They have no access to official archives. Their research is done in public libraries where they go after many hours at their place of employment. Some of the libraries do not have the necessary publications needed for such research. Much research is done from "underground" material.

Most of the reviews, discussions, and critical articles are copied only about 40 times for distribution because there is no money--or typists--to prepare more copies.

All the articles are of high calibre, professionally and otherwise. All this work is done by dedicated people without a cent of contribution from anywhere; on their own free time; many times without rest or sleep and with the knowledege that it will not bring them any glory. On the contrary, they know they may be arrested, interrogated by the police, or even imprisoned. It is admirable and fantastic, but it is also very sad. Hopefully, sometime in the future, there will be people who will appreciate this endeavor to sustain the continuity of our culture and science.

Prague, August 1983
"George Moldau"

Condolences for KAL Victims

Document No. 33/83

September 5, 1983

Charter 77 wishes to convey its deep sympathy to all relatives and friends of persons travelling on the South Korean airliner and who perished on September 1, 1983.

We want to believe that this tragic event will not only be properly explained, but that those who are guilty will be exposed and asked to accept responsibility. Charter 77 is convinced that in international aviation there are no reasons which would justify any government actions which endanger the lives of innocent people.

The blame for a possible decline in the international situation will be borne, in this instance, by those who are responsible for the tragedy of September 1, 1983.

Jan Kozlik Marie Rut Krizkova Anna Marvanova
Charter 77 Spokespersons

Letter to Prime Minister Jaruzelski

Document No. 34/83

September 28, 1983

Army General Wojciech Jaruzelski
Prime Minister
Polish Peoples Republic

Mr. Prime Minister:

As can be ascertained from information given to the media by your government spokesperson, Jerzy Urban, a trial is being prepared against former members of KSS-KOR, including Jacek Kuron and Jan Jozef Lipski. Members of the former KOR organization are to be tried under paragraph 128 of the Penal Code of the Polish Peoples Republic for the alleged crime of preparing the downfall of the government.

We are turning to you as spokespersons for the Czechoslovak citizens' initiative Charter 77. We protest the trial currently being prepared of the KOR representatives as a form of political revenge on a defenseless adversary in creative ideas.

We are well informed about the former activities of KOR. We view these activities as an expression of the highest civic virtue. The former members of KOR have conducted themselves well in the delicate situation in which the Polish society found itself. This situation was the result of political mistakes made by former state leaders, as you yourself have stated on several occasions. It should not be forgotten that after these tragic events, which aroused not only our anger but also yours, the representatives of KOR were the only ones who had enough citizens' courage and personal bravery to render meaningful assistance to the victims of senseless and violent repressions and their families. It is in this sense that we view and interpret the activity of the representatives of the former KOR and we regard it as an act of the highest moral value and as an example to follow. For us, for Charter 77, the consistent and simultaneously deliberate conduct of the representatives of KOR always served as an example. KOR members never hid their activity in the mantle of anonymity or illegality. They have always acted openly and in accordance with the laws of the country in which they have been and continue to be outstanding citizens.

If they should now be brought to trial, this can mean only one thing--a cold blooded revenge by those in your country who would like to discredit you among others. It was you, Mr. Prime Minister, who on December 13, 1981 solemnly proclaimed that no one will be persecuted or punished for political activities conducted prior to the declaration of Martial Law. However, from what has been said by Jerzy Urban, from media reports, and from the fact that the representatives of KOR, Kuron, Michnik and others, were detained after the declaration of Martial Law, it can be surmised that they are to be tried for activities conducted prior to that declaration.

We ask you, Mr. Prime Minister, to honor your word as a Polish officer and use the power of your office to stop the preparation of a political trial against innocent, honorable and courageous Polish citizens.

Prague, September 28, 1983
Jan Kozlik Marie Rut Krizkova Anna Marvanova
Charter 77 Spokespersons

Letter to Lech Walesa

Document No. 35/1983

October 5, 1983

Dear Sir:

Permit us to send you, on behalf of the Czechoslovak citizens' initiative Charter 77, our most sincere congratulations on the occasion of your being awarded the Nobel Peace Prize for 1983.

You have been Solidarity's leader from the very beginning and we have followed your impressive personal struggle as well as Solidarity's struggle for real citizens' liberation and thus, for human liberation. Despite the fact that we have to deal with different issues and have a different historical experience, we have found and continue to find that this liberation leads to understanding and peace within a nation. This is the basis and the condition for peaceful relations among nations. The issues and principles for which you stand, as we have been able to follow them throughout the growth of Solidarity and after the proclamation of martial law, are a testimony, despite all attempts to discredit them, to the great moral strength and responsibility you feel for both yourself and the Solidarity movement.

It gives us hope that your achievements are being appreciated not only by we who share a similar national and human experience, but also by citizens of the entire free world. The Nobel Peace Prize which was awarded to you, a Polish worker, is proof of that.

Justice, peace and joy be with you.

Prague, October 3, 1983
Jan Kozlik   Marie Rut Krizkova   Anna Marvanova
Charter 77 Spokespersons

Letter to Dr. Gustav Husak

Document No. 37/83

October 24, 1983

Mr. President:

The 65th anniversary of the creation of an independent Czechoslovak state on October 28th, is approaching. During the commemorations of this important day in 1945, an order was signed by which the Czechoslovak industry was nationalized. The commemoration in 1968 brought about the approval of the constitutional law which created the Czechoslovak Federation.

The commemoration of the birth of our state presents an opportunity to deliberate on the basic ideas and values which affected the creation of the Czechoslovak Republic in 1918. These were, without a doubt, ideas of political democracy and freedom, and of national and social justice. We have come to realize the importance of these ideas and their effect on the life of the state and every citizen.

These basic ideas and values eventually led the Czechoslovak Republic to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In 1976, these Covenants were incorporated into the Czechoslovak Legal System. In accordance with these ideas and values, our government also signed the Madrid Concluding Document agreed to by all the delegations to the Conference on Security and Cooperation in Europe.

Keeping in mind historical and philosophical considerations as well as your international obligations, we turn to you, Mr. President. We request that you use your constitutional powers and grant amnesty, on the occasion of the 65th anniversary of the creation of Czechoslovakia, to those Czechoslovak citizens who were sentenced or are to be sentenced for political offenses under Chapter I of the Penal Code. It is a sad fact that criminal prosecution under Chapter I of the Penal Code is being carried out in our country almost exclusively for expressions of political convictions. Among those who are currently imprisoned for these reasons are Rudolph Battek, Ladislav Lis, Professor Liberda, Dr. Savra, Petr Uhl, Ivan Jirous and dozens of others, many of whom are in very poor health.

Over the last ten years, since the 1973 amnesty, amnesties were declared in 1975 and in 1980. But these amnesties benefitted only common criminals. The amnesty granted to these people was, undoubtedly, an expression of good will by the state. These amnesties enabled these people to return to a normal civilian life. It would, therefore, be even more desirable to grant such an opportunity to citizens who have not committed any common criminal offense but who were deprived of their freedom simply because they did not give up their ideas and convictions. They acted in the spirit of those ideas, convictions and values which are inherently connected with the creation and existence of Czechoslovakia and which are anchored in the Czechoslovak Constitution and in both International Covenants on human rights.

Unquestionably, the granting of amnesty to these citizens--particularly in connection with the 65th anniversary of the creation of the Czechoslovak state--would be well received by the Czechoslovak and global communities given the present tense international situation. It would transcend frontiers and constitute an act which would prove that the Czechoslovak Socialist Republic is really interested in the relaxation of tensions. Moreover, it would prove that it is interested in re-establishing the spirit of Helsinki.

Prague, October 24, 1983
Jan Kozlik Marie Rut Krizkova Anna Marvanova
Charter 77 Spokespersons

Message from Abroad

People cannot love all of humanity, nor hate it. Those who claim to love all the people in the whole world are either notorious liars or imposters. Those who believe that they hate humanity are fools. It is not necessary to love all humanity. However, one should appreciate sincere human actions-- deeds performed by one human being for another human being. People should not hate their fellow human beings, but should scorn sanctimonious actions, fraud, pretence and boorishness. This is a duty.

I did not evaluate my own actions in the mirror of moral values of others. I tried to do my best. I may not have succeeded, but I am trying. I am aware of the fact that my endeavors would be futile, if I were alone...I would be lost if I were alone. It is interesting to learn that human beings yearn for the companionship of others who share the same values and ideas. We yearn for the companionship of free people.

When I was in detention, I had time to think and to evaluate the difference between people assembling of their own will and assembly of free people. When I looked out the barred window of my cell, I could see Vaclav Havel, who was, at that time, still in prison. However, I had faith that people who shared my ideas would not desert me because I believed that what I was doing was justified and right. I believed in the strength of solidarity. I did not believe in political wisdom or political leadership but in the strength of real people who could generate political wisdom.

After my release from detention I was able to find out about the unity of real people, a unity formed on my behalf throughout the world--in Hungary, in Western Europe, in the United States; in both Hungarian and non-Hungarian communities; and among American writers. In Czechoslovakia, the Hungarians, the Slovaks and the Czechs were rooting for me. It is necessary especially to value the stand of Charter 77 and the documents of VONS (Committee for the Defense for the Unjustly Persecuted). However, it is upsetting for me when I think about my colleague Lis, a Charter 77 spokesperson, who, during my detention, was arrested and sentenced to prison--a fate which may still be awaiting me. Although I was released from detention, the charges against me were not dropped. I may still be sentenced to seven years imprisonment.

I may not be able to evaluate fully today the extent of the international solidarity which helped to get me released from detention. The Hungarian emigrants have done much. Even though their political direction is divided, my case was a common denominator. I hope that the Czech and Slovak emigrants also acted in a similar way. If this solidarity prevails, much can be accomplished. I did not work for the rights of the Hungarian minority in Czechoslovakia just because I am a Hungarian, but because of the principles involved and because one case of violating laws leads to other violations of laws. If the situation were reversed and the authorities of the state representing my nationality were humiliating some other nationality, I would be forced to speak out for the rights of these nationals. That would be my duty. I feel it is necessary to inform both Hungarians and non-Hungarians alike of this point. I would also like to state that I would like to have my name included, even at this late time, on the list of Charter 77 signatories, as a supporter of the principles inherent in the Charter 77 Manifesto.

I would also appreciate it if all the organizations of Hungarian emigrants in Western Europe, as well as in the United States and elsewhere, would shake hands with the Slovak and Czech emigrants. It would be terrible if it took another imprisonment to accomplish this solidarity.

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Translator's Note: DURAY, Miklos, was born in 1944. A geologist, Duray is a leading member of the Hungarian minority in Czechoslovakia (Slovakia). He was detained on November 10, 1982, and charged with "hostile acts against the state" after a search of his home revealed a copy of an article describing the situation of the Hungarian minority in Czechoslovakia. He was to be tried on January 31, 1983, but the trial was suspended for two weeks and on February 11, 1983, was postponed indefinitely.

He was released from detention on February 24, 1983. However, the charges were not dropped.

(See our updates: 3/6/83, 2/12/83 and 12/19/82.)

Washington, October 29, 1983

Letter to
President of the CSSR, Dr. Gustav Husak, The Prime Minister of the CSSR, The Chairman of the Federal Assembly of the CSSR, and The Prosecutor General of the CSSR

Document No. 39/83
November 14, 1983

Recognizing the seriousness of the international political situation, we are taking the liberty to bring to your attention at this time an aspect of this crisis which we consider very important. We view this difficult period in international relations as a crisis in mutual trust. Without trust it will not be possible to stop the momentum for further arms build-up.

After many discussions and much work, delegations of participating states were able to agree on the text for a Concluding Document. We share the satisfaction of peace-loving people with this. According to the statement of the Chair of the Central Committee of the Communist Party of Czechoslovakia and the government of the CSSR, dated September 23, 1983, this document "...anchors the policies of peace, the relaxation of tensions, the East-West dialogue and the development of all-around cooperation on the principles of peaceful coexistence..." We welcome the fact that this statement directed the appropriate Czechoslovak authorities to abide by the provisions of the Concluding Document.

If the policy of relaxing tensions is not followed despite all this, i.e. the necessary trust is lacking, then it is, in our view, because certain politicians in the East as well as in the West are favoring those parts of the agreement which deal with military-political and economic issues over the human rights part. In fact, this is what we are witnessing now.

On the contrary, we are convinced that consistent respect for the rights of individuals is the prerequisite for a state to gain trustworthiness abroad. At this time, respect for human rights would influence public opinion and strengthen the position of the peaceful forces abroad. This corresponds with provisions of the Final Act as well as of the Madrid Concluding Document which stress the equal validity of all principles of the Helsinki Final Act, their mutual dependency and conditionality. Therefore we felt that it was our duty to familiarize ourselves with the full text of the Concluding Document, specifically with the part that deals with the problem of human rights. The inclusion of this part into the Concluding Document signifies progress.

We are turning to the President of the Republic, as the highest state representative; to the Prime Minister of the CSSR, as the guarantor of implementation of obligations by government organs; to the Chair of the Federal Assembly of the CSSR, as the highest representative of the legislative body responsible for incorporating these principles into our legal system; and to the Prosecutor General of the CSSR, as the guardian of legality, in order to submit suggestions for the implementation of concrete measures:

1. We request that the authorities take into consideration views and suggestions submitted by Charter 77 in Document No. 15, dated February 8, 1978.

2. In accordance with the Concluding Document we request that the CSSR deal with those parts of the Agreement with which

it has not dealt yet. We are concerned specifically with Article 41 of the Covenant on Civil and Political Rights which recognizes the competence of the Human Rights Committee. This Committee was established in accordance with Article 28 of the Covenant to accept and evaluate reports submitted by the participating states on the implementation of the Covenant. Then there is the Optional Protocol to the Covenant on Civil and Political Rights which recognizes the right of the Committee to accept reports submitted by individuals concerning the implementation of the Covenant. We suggest that the government of the CSSR issue that statement in accordance with Article 11 of the Covenant and accept the Optional Protocol to the Covenant on Civil and Political Rights.

3. In the Concluding Document the participating states--including the CSSR--have pledged to bring about the necessary measures which would guarantee the right of individuals to know their rights and duties in the area of human rights, as is specified in the Final Act of the Conference on Security and Cooperation in Europe. Furthermore, the participating states confirm in the Concluding Document the active and positive role which will be played by those who will be contributing to the goals specified in the Final Act and in the Concluding Document by using this right. The respective provisions bind the participating states to respect initial steps taken by their citizens, singly or in formal or informal groups, with regard to the implementation of human rights and fundamental freedoms. We ask the Czechoslovak government to view the citizens' initiative Charter 77 and the Committee for the Defense of the Unjustly Persecuted in accordance with the provisions of the Concluding Document and with Article 29 of the Constitution; to take

seriously the reminders, suggestions and propositions of these groups; to properly answer these suggestions and propositions. Futhermore, we ask the government to guard the individuals involved in this initiative against the arbitrary actions of the security police or other authorities to which many have been exposed during these past seven years and under which many have suffered. Honest and consistent implementation of the Concluding Document also requires the immediate release from prison of all citizens who were unjustly sentenced on the basis of the interpretation and application of the Penal Code. This Code is directly contradictory to the Covenants on human rights as has been specified in Charter 77 Document No. 18, dated April 13, 1982 and as has been confirmed by the Concluding Document from Madrid. The following persons who have been unjustly indicted for these reasons are still in prison: Rudolf Battek, Jiri Grunrorad, Ivan Jirous, Professor Liberda, Ladislav Lis, Jan Litomisky, V. Soukup, Jaromir Savrda, Petr Uhl, the brothers Wunsch, and Jitka Tumova, among others.

We do not doubt that the position adopted by the various bodies in response to these propositions will be judged by all those who have a serious interest in securing peace and cooperation. They will regard it as a measure of the sincerity and trustworthiness of the bodies which were charged with the implementation of the provisions.

In this connection we are forced to add that the trustworthiness of our authorities as guarantors of the implementation of the Concluding Document is not helped by the police action taken at the beginning of November during which about twenty citizens, Charter 77 signatories, were subjected to many hours of interrogation. At this time Charter 77 spokespersons and other signatories were openly threatened with criminal prosecution if they were to make a statement on the decision of the government of the CSSR to deploy missiles on our territory. Such action by the security police is not only in violation of Czechoslovak laws, but it places our authorities in a peculiar position vis-a-vis the peace movements in the West. The stand taken by the authorities brings into question their motives for supporting the peace movement. It appears that it is not because they respect the civil rights of peace movement advocates but rather are using the movement to weaken the other side.

Just as many citizens in the West, we, too, are upset by the current increase in the arms race and by the deployment of nuclear warheads in different countries, including ours. We are aware of the fact, as was stated in the Prague Declaration of the members of the Warsaw Pact in January this year, that "...the deployment of new systems of nuclear weapons and other means of mass annihilation will increasingly undermine the stability of the military-strategic situation, increase international tensions and complicate relations among states...." We also bear in mind what was so often repeated in our media in connection with the deployment of American missiles in Western Europe, that the "deployment of these weapons does not increase the safety of the countries on whose territories they will be deployed, but, on the contrary, these countries are being exposed to the danger of a nuclear attack or a counterattack, which might mean the destruction of the whole territory and all life in it...."

For this reason we welcome the Madrid agreement calling for a Conference on Security- and Confidence-Building Measures and Disarmament in Europe, which will be held in Stockholm in January 1984 and which makes more sense as a step toward peace. However, for such a conference to have any hope of success and to not be a "dialogue of the deaf," the participants must have something in common. We are of the opinion that the "something in common" must be respect for rights, justice and truth, and the responsibility of each government towards its own citizens and the whole of mankind towards this and future generations. Each participant will be able to prove this through his relations towards its own citizens.

Therefore we ask our government to permit not only expressions of absolute agreement, but to give its citizens the right to express their opinions freely on all issues of public interest. We also ask that the government inform its citizens about measures taken in this regard and that arguments presented by the other side be made public. Further, we ask that informal meetings not be blocked and that dialogues between Czechoslovak citizens and active citizens and groups in the West be permitted to take place. We want to remind our authorities that according to the International Covenant on Civil and Political Rights, which was also accepted by Czechoslovakia, this right can be suspended only "...in an emergency situation, which has been officially announced, if the life of the nation is in danger...."

We also want to bring to your attention the words of the Madrid Concluding Document: "...strict implementation of and the respect for all the principles embodied in the Helsinki Final Act in all other aspects, is the basic precondition for the improvement of mutual relations of the participating states...." In the same document, the participating states expressed a determination to implement consistently all provisions of the Helsinki Final Act, especially the ten principles. This is because the strict and unlimited implementation as well as the carrying out in practice of these principles is the basis for and proof of the respect, trustworthiness and effectiveness of a real effort directed towards halting the increase in armaments and strengthening the trust and security relating to progress in disarmament which is referred to in the Madrid Concluding Document.

Prague, November 14, 1983
Jan Kozlik Marie Rut Krizkova Anna Marvanova
Charter 77 Spokespersons

Human Rights in the Concluding Document of the Madrid Follow-up Meeting of the CSCE

Document No. 43/1983

December 30, 1983

Because the Madrid Concluding Document generated so much interest in many quarters of our society, we have prepared an analysis of the document, particularly of the parts concerned with human rights.

Prague, December 30, 1983

Jan Kozlik   Marie Rut Krizkova   Anna Marvanova

Charter 77 Spokespersons

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The Madrid Follow-up Meeting of the Conference on Security and Cooperation in Europe, which was attended by delegates of the participating states, lasted--with long intervals--for almost three years. During this time (from November 1980 to September 1983), relations between the political-military configurations in Europe definitely did not come near the goals called for the Helsinki Final Act, signed in Helsinki in August 1975. This is particularly true regarding the relations between the two leading powers, the USSR and the USA. Tensions developed between these two nations which disturbed the atmosphere of "relaxation of tensions" in which the Helsinki Final Act was prepared and signed. This, without question, affected the Madrid meeting, where we witnessed sharp verbal exchanges and polemics, which brought the meeting to various dead ends. The final phase of the meeting was definitely overshadowed by events which took place in the fall of 1983: the stagnation of the Geneva meeting, and the deployment of missiles in Europe.

In this context, therefore, it is proper to view positively the fact that the Madrid Conference did not break down altogether, that despite all the difficulties and problems, it continued until its normal end, with the adoption of the Concluding Document dated September 6, 1983. The official report on the meeting by the Presidium of the Central Committee of the Czechoslovak Communist Party described the Concluding Document as "comprehensive and balanced," calling it an act "...which anchors the continuation of the policy of peace, of the relaxation of tensions, of a dialogue between East and West and of the development of full cooperation on the principles of peaceful coexistence..." The Presidium also decreed that all respective Czechoslovak organs have to abide by its provisions. It would appear that according to the view of the highest levels of our government, the document reflects the requirements and goals which they themselves have been propagating at various forums since the fall of 1982.

Everyone can agree with this characterization--everyone who has read the text of the Concluding Document which appeared in a shortened form in Rude Pravo on September 24, 1983, or with the full text published in Czech in the 41st issue of "Nove Doby" (New Times). Rude Pravo also promised to publish it as a pamphlet. It really is a comprehensive document. The first chapter describes the meetings and then follows all the conclusions agreed upon by the participating states. They are dealt with in five chapters: Principles; Conference on Security- and Confidence-Building Measures; Cooperation in the Area of Economics, Science, Technology and Environment; Security and Cooperation in the Mediterranean; and Cooperation in the Area of Humanities and Culture. The document is balanced in such a way as to respect all aspects of the problems of security and peaceful co-existence in Europe, even though some of these problems are described, without elaboration, only as "East-West."

On September 23, 1983, the highest levels of the Czechoslovak Government indicated that, in their view, the most important decision made in Madrid was to convene the Conference on Security- and Confidence-Building Measures and Disarmament in Europe. Because of the present situation in Europe, it is good to welcome this Conference as a possible vehicle for overcoming the dead end in which the Geneva Conference on Medium Range Missiles and the Vienna Conference on MBFR find themselves. This conference in Stockholm may also cause a last minute decision to stop the deployment of new missiles on our continent, in the West as well as in the East; it may, perhaps also make a positive step towards the gradual withdrawal of all the missiles from Europe. This in no way detracts from the requirement for balance--not only in the document but also in the policies which lead towards safeguarding peace and cooperation among nations--as the best guarantee of security for each nation, for the whole continent, for humanity. The failure of various negotiations on certain aspects of disarmament, or the control of disarmament, is proof that attempts to deal with each question on a separate basis--despite well prepared military-technical plans--breakdown, or drag along in the sand or in the morass of distrust. This distrust could, perhaps, be overcome, as has been indicated in the results of some negotiations (either in the UN, or outside the UN, as was the cases in Helsinki in 1975), by respecting the versatility of the problem, as well as the plurality of the factors inherent in the problem. Hopefully, the Stockholm Conference, which is a follow-up to the Madrid Conference and indirectly also to Helsinki, as well as a continuation of what has been negotiated up to this time with regard to the Conference on Security and Cooperation in Europe, will represent the first step--even if only a small step--in a positive direction.

It has been indicated many times that the Helsinki Final Act, with its three equal "baskets" and its basic principles on the relaxation of tensions and on peace and cooperation, made an important step forward in defining and furthering these principles not only for Europe, but also for outside of Europe. The Helsinki Final Act embodies those principles which are incorporated in the United Nations Charter and which were the basis for several United Nations documents, but it formulates these principles in a more specific and binding way.

In our view the Helsinki Final Act made an important impact by specifying the direct mutual relationship and conditionality of peace with the respect for human rights and fundamental freedoms. In contrast to all the adopted and published international political and legal documents which, directly or indirectly, touch on this mutual relationship and dependence, the Helsinki Final Act places the respect for human rights among the first ten basic principles which should guide the relationship among states, binding them at the same time to "...secure conditions, in which their nations could live in a real and lasting peace..."

By specifically proclaiming all principles to be equal ("they are of equal importance and will be implemented equally, without reservations..."), the Final Act specified that in order to reach the goals stated at the Conference on Security and Cooperation in Europe, the respect for human rights inside each state is of equal importance and as binding as the respect for the sovereignty of states, the restraint in using force or the threat of force, the respect for resolving disputes by peaceful means only, the respect for non-interference in the internal affairs of another state, and the respect for diligently implementing these obligations in accordance with international law. In this respect the Final Act made the greatest contribution towards progress in international relations: respect for human rights and fundamental freedoms is not only a problem inside each state, but is recognized by all participating states as one of the important conditions for their peaceful relations and cooperation. It is proper to recall the words of the Swedish Prime Minister O. Palme. As he signed the Helsinki Final Act, he said that "...respect for human rights was accepted here as a norm of equal importance to other principles of international relations, and because of that, their violation would definitely damage the spirit of the international relaxation of tensions..." The President of the then-revolutionary regime of Portugal, Costa Gomez, valued highly the fact that "...problems, concerning a human being, were, for the first time, the subject of negotiations in an international forum of such high caliber, high level summitry..." And the President of Switzerland saw in it a "...positive contribution to the system of international relations." This interpretation was not protested by any representative of the participating states and it may, therefore, be surmised that it reflects the agreement of all participants.

All the participants have, in the Declaration of Principles, again confirmed obligations stemming from the Covenants on human rights as well as the Universal Declaration of Human Rights and other agreements and declarations adopted by the United Nations in this area. Besides that, they also recognized "...the right of individuals to know their rights and obligations in this area and to act accordingly..." (although without qualifying whether these actions are to be undertaken on an individual basis or in cooperation with others). Through this international agreement of high political stature and weight, recognition has been given to the right of ordinary citizens or nationals of every participating state to demand respect for their rights on the part of the state power, or to bring to the attention of the respective authorities their violations of these rights.

It is well known that it is exactly this paragraph of the Helsinki Final Act that was the basis for the creation of citizens' initiatives--of individuals, organizations or other informal groups--who have tried to use this internationally recognized right towards their government and its organs. They were not always met with a positive understanding by the authorities. In this regard, conflicts arose in some countries which became the subject of international attention as well as controversial discussions at the follow-up conferences of the Conference on Security and Cooperation in Europe in Belgrade and in Madrid. It is these countries to which the introductory paragraph of the Madrid Concluding Document pertains, as it speaks about critical evaluation of actions from various points of view, and notes with regret matters in which principles of the Helsinki Final Act have been seriously violated.

The Importance of the Principles Specified in the Helsinki Final Act for the Policy of Peace, Security and Cooperation

In Helsinki, the participating states expressed their determination to "...fully respect and implement these principles, as specified in the Declaration, in all its aspects, in their mutual relations and in their cooperation..." The participating states stressed that this respect and the implementation of principles "...will assist the development of normal and friendly relations and progress in cooperation among them in all spheres..." It is without doubt that it was the evaluation of the past and present period which convinced them to stress even more in the Madrid Concluding Document the importance of respect for and the implementation of all principles.

The introductory paragraph which summarizes the Madrid meeting states that the participants of the meeting "...stressed the importance of realization of all provisions and the respect for all principles of the Final Act by each participating state as vital for the development of this process," i.e., the relaxation of tensions. In another paragraph of the introduction, the participants agreed that the goals specified by the Conference on Security and Cooperation in Europe can be reached only through implementation of all of the provisions and the respect for all principles of the Final Act. In connection with the criticism of violations of some of the principles, the "...participating states considered it necessary in various phases of the conference to state that strict implementation of and respect for these principles in all their aspects is of fundamental importance for the improvement of relations between them..." In the general formulation of steps to be taken in this direction, the participating states expressed determination to "...consistently implement all of the provisions of the Final Act and, in particular, strictly and without restrictions, to respect and to bring into practice all of the ten principles contained in the Declaration of Principles, which guide relations among the participating states, without regard for their political, economic or social system, as well as without regard for their size, geographical position or the degree of their economic development..."

In the first paragraph of the chapter on principles, the participating states confirm "...their determination to fully respect and apply these principles and accordingly, to promote by all means, both in law and practice, their increased effectiveness." The morally binding political obligation to implement these principles would be strengthened by the legal norms of each country. The principles then would become a part of the judicial system of every state. This would be important, above all, in the area of human rights, where this requirement is already binding with regard to the International Covenants on human rights in cases where the respective states have signed and ratified them. The strengthening of ways which would make the principles legally binding internationally was expressed in the recommendation ("...they acknowledge, that it is important...") that these principles should be reflected in international agreements concluded between participating states, that they should conform with these principles and, if necessary, that they should refer to these principles. This paragraph should thus be regarded as very important because it defined the Final Act with more precision and in a more concrete way.

Provisions Concerning Human Rights and Fundamental Freedoms

The chapter on principles has 19 numbered paragraphs, and paragraphs numbered 8 to 17 deal with the problems of human rights. It is evident that the Madrid Concluding Document does not address every one of the ten principles in the same way. Some of the principles of the Final Act are not being addressed at all. Paragraph 3 confirms the necessity of strictly and effectively implementing the principle of not using force or the threat of force as a norm of international life. Paragraphs 4 to 6 condemn terrorism and express the determination of the participating states to undertake effective measures against terrorism within individual states as well as in mutual cooperation. This substantially widens this area of obligation, with regard to what had been stated about this problem in the Final Act, and specifically in the closing interpretation of Principle VI, i.e. non-interference in the internal affairs of other states. This commits the states to withhold direct or indirect assistance to terrorist activities, or subversive activities or any other activities which aim at violently deposing a regime in another state. Paragraph 7 deals with the problem of securing the safety of diplomatic and other representatives of one state in the state of their accreditation. Paragraph 18 announces the proposed meeting of experts on the peaceful resolution of disputes, and paragraph 19 takes into consideration the announcement of Malta as a neutral, non-aligned state in accordance with Principle I of the Final Act.

It appears that the participants in the Madrid Conference did not consider it necessary to detail the obligations of most of the other principles of the Final Act and that they only confirmed their resolve to respect them and to abide by them.

On the other hand, there were detailed and long discussions concerning the adoption of the text on Principle VII of the Final Act which deals with the "Respect for Human Rights and Fundamental Freedoms, Including the Freedom of Thought, Conscience, Religion and Belief."

Paragraph 8 of the chapter on principles confirms that all participating states recognize the universal importance of human rights and fundamental freedoms, the respect of which is an essential factor for peace, justice and well-being. This confirms everything that was specified about this in the Final Act in the chapter containing the Declaration of Principles. The participants at the Madrid conference considered the connection between the respect for human rights and peace and the development of friendly relations and cooperation among states so important that they did not hesitate to repeat the full text of this paragraph as stated in the Final Act. In the next section, the participating states confirm their resolve to "support the development and effective implementation of these rights and freedoms, which stem from the dignity of man and are necessary for his free and full development." The participating states, pledge to assure a constant, visable progress in this regard, "...without regard for their political, economic or social system." This clause cannot be considered only as empty words: it strengthens the obligations specified in the Final Act, demands concrete measures in order to bring into force the accepted principles and obligations, and a priori rejects all reservations or exceptions which could be used by pointing to the different systems, societies and power. All participating states pledge--in accordance with their proclamations in paragraph 1 of the chapter on principles--to improve the laws and regulations in the area of civil, political, economic, social, cultural and other rights, and assure effective implementation of these rights and freedoms.

In paragraph 10 the participants also confirm their obligation accepted in the Final Act to "...acknowledge and respect the freedom of individuals to pursue their religious beliefs, either individually or in association with others, as their conscience will guide them..." The participating states pledge to secure this freedom. They also pledge that in this connection they will consult, as necessary, "religious faiths, institutions and organizations" which exist in their countries in accordance with their Constitution. This means that the participating states recognize religions and religious societies in their countries as partners. They also pledge that they will favorably consider suggestions from believers' associations, whose activities are within the framework of the Constitution.

With regard to national minorities, paragraph 11 restates the equality of these citizens and the safeguarding of their legal interests, "...as has been stated in the Final Act." It also stresses the "...importance of steady progress with regard to securing the respect of their rights as well as the implementation of these rights..." for minorities.

Paragraphs 12 and 13 of the chapter on principles deal with the equality of men and women and with the right of workers to freely create trade unions. The participating states pledge to secure provisions which would strengthen the laws on the equality of men and women, and the right of workers to freely join unions as well as other labor rights as specified in the respective international documents. They probably had in mind Article 8 of the Covenant on Economic, Social and Cultural Rights, and the Covenant on the Freedom of Assembly and Protection of the Right to Organize, concluded in 1948 by the International Labor Organization. The Madrid Concluding Document states that these rights will be enforced by respecting the laws of the respective states and in accordance with the respective international obligations. (The referenced international agreements, for example, acknowledge the right to strike, etc.). The promise that the signatories of the Madrid Document "...will support direct contacts and liaisons between such trade union organizations..." is limited by an addendum, saying "...where suitable."

Careful readers will notice that, in contrast to the other paragraphs, the use of words here is very careful, with nothing being "stressed" or "confirmed." On the contrary, the reference to domestic laws and to the "suitableness" of the demand signify certain limitations on the right, which, without special acknowledgement, the states "guarantee." The stormy discussion at the Madrid Conference on events in Poland brought out the different approaches taken by the delegates with regard to this question, and the text of paragraph 13 of the chapter on Principles is evidently an attempt for a compromise, acceptable to all.

In Helsinki, the participating states declared that in the area of human rights, they will act in accordance with the United Nations Charter and with the Universal Declaration of Human Rights, and that they will fulfill their obligations as stated in international agreements and declarations in this area and "among others" also in the International Covenants on human rights.

In Madrid the participating states "...confirm the special importance of the Universal Declaration of Human Rights, of the International Covenants on human rights and of other such international documents for their collective and individual effort to encourage and expand universal respect for human rights and fundamental freedoms." The states are called upon to act in accordance with the provisions of these international documents. While the Final Act states that these agreements are binding only for the signatories, the 15th paragraph of the chapter on principles of the Madrid Concluding Document is calling upon those participating states of the Conference on

Security and Cooperation in Europe, who are not as yet signatories of the documents, to "examine the possibility of becoming signatories of the Covenants..." This appeal was meant not only for states which are not as yet a part of the process, but also for those which are implementing only certain provisions of these covenants. It concerns, for example, the Covenant on Civil and Political Rights. Article 41 of this Covenant states that the Human Rights Committee, established in accordance with Article 28, is competent to discuss a complaint submitted by one state on the violations of this Covenant committed by another state, but only on the condition that both states recognize the competency of the Committee in a special proclamation.

With regard to complaints submitted by individuals against agencies of their own country, the Human Rights Committee is competent to act only if the country whose citizens submitted the complaint has agreed to a special Optional Protocol in the attachment to the Covenant. A number of countries--our Republic among them--did not agree with this special Optional Protocol, nor did they make a proclamation with regard to the competency of the Human Rights Committee. The appeal in paragraph 15 of the chapter on principles of the Madrid Concluding Document applies to them.

Other international legal documents which the Madrid Concluding Document indirectly refers to in particular are: (1) the Convention on the Prevention and Prohibition of the Crime of Genocide (1948); (2) Convention of the International Labor Organization Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951); (3) the referenced ILO Covention Concerning Freedom of Association and Protection of the Right to Organize (1948); (4) the Convention

Concerning the Abolition of Forced Labor (1957); (5) the Convention Concerning Discrimination in Respect of Employment and Occupation (1958); (6) the UNESCO Convention Against Discrimination in Education (1960); (7) the Convention on the Political Rights of Women (1952) (sic); and (8) the International Convention on the Elimination of all Forms of Racial Discrimination (1965).

By giving a special meaning to the entire complex of these international legal norms--norms which strengthen and promote respect for human rights as one of the factors necessary for peace--the Madrid Concluding Document emphasized the international problem of human rights. By making human rights an international problem, the Madrid Concluding Document cuts through the position of those governments which opposed discussing this problem in an international forum, claiming that human rights are an internal matter and that the principle of non-interference in internal affairs excludes international political or legal discussions on human rights in individual countries. In this respect, the Madrid Concluding Document is, therefore, a step forward, even if it is only a small step. This is also confirmed by the fact that the participating states agreed to discuss the questions of human rights in bilateral discussions with a goal to "...reach a greater degree of understanding and cooperation on the basis of the provisions of the Final Act..." (paragraph 16 of the chapter on Principles of the Madrid Concluding Document). While the actual meetings concerning such discussions are left for the consideration of each state, paragraph 17 contains a firm agreement for a special experts meeting on human rights in the participating states, which will take place in May 1985 in Ottawa, Canada.

Citizens' Initiatives for the Implementation of Obligations Specified in the Final Act

The Madrid Conference could not forget the passage from the text of Principle VII of the Helsinki Final Act, which confirms "...the rights of individuals to know their rights and obligations in this regard and to act accordingly..." Just as in Belgrade in 1978, the 1980-1983 Madrid Conference also discussed the monitoring groups which based their establishment on the confirmation of this right, as a right already existing and recognized (not a right which has just been created). It is a matter of record that discussions about these monitoring groups were controversial and polemical. Charter 77 was also discussed.

Due to contention over the meaning of the provision for monitoring groups, it was difficult to reach a consensus. In paragraph 9 of the chapter on Principles of the Madrid Concluding Document, the participants of the Madrid Conference restate the right of individuals "to know and to apply their rights and obligations, as specified in the Final Act...," and declare that they will, in their countries "take all the measures necessary for the effective guarantee of this right...." This is only a general formulation which is not binding.

A concrete measure, for example, would be the signing and ratification of the Optional Protocol to the Covenant on Civil and Political Rights, which would signify the recognition of the right of each individual to defend those rights, guaranteed by this Covenant, against the government of his or her own country in an international forum. Also from the text of both Covenants (particularly Article 2 on civil and political rights) stems the obligation to accept such legal and other provisions which would guarantee rights recognized by the Covenants, and, particularly, to grant to each individual the right and possibility to effectively defend those rights recognized by the Covenants against any violations, even violations perpetrated by the arms of state power. The Madrid Concluding Document, therefore, by stressing the connection between the Final Act and the Covenants, reminds the participating states about the political obligation and legal duty of those who signed and ratified the Covenants to abide consistently by their provisions and to grant their citizens effective means to demand the implementation of these provisions.

In paragraph 14 of the chapter on principles of the Madrid Concluding Document, the participating states confirm that "in the effort to reach the referenced goals..." --meaning the respect for human rights and fundamental freedoms as an essential part of peaceful cooperation among states-- "...the governments, institutions, organizations and individuals have an important and positive part to play...." Responsibility for respecting and implementing human rights in connection with the efforts for peace in Europe and in East-West relations generally is not the prerogative of governments, official institutions or organizations, but also the right of individuals and their free associations or societies. This acknowledgment, even if presented in a general form, does offer some support to citizens' initiatives established for the defense of human rights, and makes it more difficult, at least morally, for the bodies of the power structure to use repressive actions against them. In this connection the statement of participating states that "...they are determined to support all efforts for the implementation of the Final Act..." has a special meaning because it corresponds with the goals of the Conference on Security and Cooperation in Europe for the peaceful resolution of disputes, the expansion of friendly relations, the limitation of armaments, and the building of confidence and security, etc. This cannot be done by governments alone--and in this context it also includes citizens' initiatives established for the implementation of the Final Act in the area of human rights and fundamental freedoms.

Third Basket

The third basket of the Helsinki Final Act describes the practical implementation of the complex agreements concerning cooperation in the humanitarian field, contacts among people, information and cultural exchange, etc. The Madrid Concluding Document dealt with some of these matters in a more detailed way than did the Final Act. The paragraphs dealing with the reunification of families, with regular meetings between family members and with marriages between citizens of different states, promises "favorable consideration" of applications and promptness in replying to these applications. There should be no discrimination with regard to processing applications for exit visas; the fees should be reduced to correspond with the earnings of the applicants. It is important that an agreement was made for a meeting in April of 1986 in Bern with regard to these questions and to review any progress made in this area.

In the sphere of information, the participating states promise to expand the opportunity for the sale of printed matter from other countries, which should also be made more accessible in public libraries. Individuals should also have more opportunities to subscribe to foreign magazines, newspapers, etc. This agreement is supposed to include also literary works and other cultural values. The participating states will also make efforts to further the exchange of students, teachers and scientists--and further their access to the respective institutions in their countries. With regard to the expansion of cultural relations and exchanges, it was agreed to hold a meeting, a "cultural forum," in Budapest in October of 1985, which is another factor in the continuing process of implementing the principles and provisions of the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

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As is known, Charter 77 bases its existence and its activities on that part of the text of Principle VII of the Declaration of Principles of the Helsinki Final Act which acknowledges or recognizes the right of individuals to know their rights and obligations in the area of human rights and to act accordingly. Charter 77 therefore followed with great interest the discussions and dealings concerning the implementation of the Helsinki provisions and principles. In its relations with independent peace movements, Charter 77 stressed the idea expressed in the Final Act about the close connection and direct mutual dependence between the respect for human rights and the pecceful coexistence and cooperation among nations and states. In a number of documents, addressed to the highest levels of the state--which, with their signature and acceptance of the Final Act, assumed the guarantees for the implementation of its provisions and principles--Charter 77 expressed its active and positive interest in two aspects of the Helsinki process: the preservation and continuation of the process of the relaxation of tensions which started with the Conference on Security and Cooperation in Europe, and the hope that Czechoslovakia will have a positive/attitude and make a constructive contribution to the human rights dimension of this process.

Charter 77 spokesmen have written already, during the opening of the Conference in Belgrade in October 1977, a comprehensive letter to the President of the Republic. To the participants of the Belgrade Conference, Charter 77 sent a letter on October 1, 1978 commenting on the discussions about citizens' initiatives, including Charter 77.

On March 12, 1978, Charter 77 issued a document expressing its view on the Belgrade Conference, which had just ended. For the opening of the Madrid Conference, Charter 77 also sent a comprehensive statement to the President of the Republic. On January 22, 1981, Charter 77 commented on the Czechoslovak Foreign Minister's statement on the closing phase of the Madrid Conference, specifically with regard to the Concluding Document.

Apart from Charter 77 spokespersons, some Charter 77 signatories who are presently imprisoned have also stated their views on the Madrid Conference in January 1981. The Committee for the Defense of the Unjustly Persecuted (VONS) also sent a letter to Madrid, dated May 15, 1981.

In documents signed by Charter 77 spokespersons, support was expressed with regard to efforts leading to the implementation of the provisions and principles of the Final Act. The documents also suggested the following three positive steps that could be taken toward this end--steps by which Czechoslovakia could contribute to this effort and to the positive course and conclusion of the Madrid Conference:

1) To project into the legal system--and into practice--principles of the Final Act and of the provisions of the Covenants on human rights. In this connection, the

spokespersons brought to the attention of the authorities comprehensive documents containing suggestions which Charter 77 worked up and submitted to the Federal Assembly on August 2, 1978.

2) To recognize the positive role of citizens' initiatives, as represented by Charter 77, in the effort concerning the implementation of the conclusions of the Conference on Security and Cooperation in Europe and of the principles of the Final Act in the area of human rights--and to promote this recognition in the forum of the Conference on Security and Cooperation in Europe in Madrid (and before that in Belgrade). It was also suggested in this regard that these citizens' initiatives be able to establish some form of communication with the delegations of the Conference on Security and Cooperation in Europe.

3) To stop repressive actions which violate the spirit and the meaning of the Final Act as well as the obligations resulting from the ratification of the Covenant on Human Rights, particularly those actions taken against participants in citizens' initiatives who were exercising their rights in accordance with the implementation of the conclusions of the CSCE.

In this connection, Charter 77, with its Document No. 14/82, dated April 15, 1982, brought to the attention of the authorities the interpretation of Heading I of the Czechoslovak Penal Code as it is presented in the official commentary to this Public Law and as it is reflected in the judiciary system. Charter 77 proved that this interpretation, which guides the common practice of our Courts, is in violation of the Covenant on human rights, of obligations stemming from the

Helsinki Final Act (and even more so today with regard to the Madrid Concluding Document), as well as with existing and valid Czechoslovak laws.

In individual submissions, Charter 77 named persons who were unjustly persecuted in violation of the Republic's international obligations.

As we square Charter 77's stand on the issues with the results of the Madrid Conference, we believe it would be fair to say that the Madrid Conference and its Concluding Document in some respects agree with the suggestions we submitted at the opening and during the Madrid Conference.

Thus it appears that even our government, which voted for the Madrid Concluding Document, agree with our interpretation of the Final Act, even though we in Charter 77 never received a response after raising our view of the Final Act with the highest levels of our government. We believe that the Madrid Concluding Document's support of citizens' initiatives should be reflected in the government's attitude. After all, the government's representatives in Madrid voted for it, and at the highest levels they decreed that the provisions and conclusions of the Madrid Concluding Document should be fully implemented.

There is no doubt that the practical stand on these issues which our organs will take, especially in the area of human rights and fundamental freedoms, will prove whether our Republic is sincere in the way it undertakes or implements obligations accepted in Helsinki, in Belgrade and in Madrid--obligations which are supposed to contribute to the safeguarding of peace, security and cooperation in Europe. We wish for proof that is positive.

Prague - Warsaw

February 12, 1984

In the spirit of the meeting of Charter 77 signatories and members of KSS/KOR, held at the Czechoslovak-Polish border in 1978, today we express our determination to seek implementation of human rights and to improve citizens' freedoms.

As Charter 77 signatories, former members of KSS/KOR and Solidarity activists, we want to continue to strive for democracy, sovereignty and freedom for our countries. We also protest the imprisonment and harassment of our friends and associates, Charter 77 signatories, former members of KSS/KOR, and Solidarity activists. We appeal to all the people in the world who value freedom and human dignity to join us in our effort to free political prisoners in Poland and Czechoslovakia. This action is not limited to the interest of just our countries.

Charter 77, KSS/KOR and Solidarity strive through peaceful means for greater respect for humanity, for natural interests and inalienable rights. There will be no real peace in Europe or in the world as long as their peaceful efforts are suppressed.

[Signed:]

Konrad Rielinski
Zbigniew Bujak
Andrzej Celinski
Zbigniew Janas
Jerzy Ficowski
Tadeusz Jedynak
Father Zdislaw Kaminski
Wieslaw Piotr Kecik
Jan Kielanowski
Anna Kowalska
Edward Lipinski
Jan Jozef Lipski
Bogdan Lis
Jan Litynski
Halina Mikolajska
Ewa Milewicz
Wojiech Onyszkiewicz
Antoni Pajdak
Pawel Kulerski
Jozef Rybicki
Aniela Steinsbergova
Eugeniusz Szumiejko
Maria Wosiek
Father Jan Zieja

Vaclav Benda
Jiri Dienstbier
Jiri Hajek
Vaclav Havel
Ladislav Hejdanek
Marie Hromadkova
Bozena Komarkova
Jan Kozlik
Marie Rut Krizkova
Miroslav Kusy
Vaclav Maly
Anna Marvanova
Jaroslav Meznik
Radim Palous
Bedrich Placak
Jan Ruml
Jiri Ruml
Anna Sabatova
Jaroslav Sabata
Jan Simsa
Petruska Sustrova
Josef Zverina

Letter to Javier Perez de Cuellar

February 22, 1984

Dear Sir:

Permit us, on the occasion of your visit to our country, to join those who wholeheartedly welcome this visit and who support this visit as a way to strengthen in our country the influence of the ideas and principles advanced by the United Nations.

We are turning to you in the name of Charter 77, the informal association of citizens of this country who hope, through their work and personal involvement, to confirm their faith in basic human rights, dignity, and the value of human personality in accordance with the United Nations Charter. These citizens turn to the public and the authorities of our country with constructive proposals and matter-of-fact criticism. They wish to advise them of the need for consistent implementation in our society, in law, and in practice by state bodies, of the principles of the Universal Declaration of Human Rights, and the norms which the highest authorities of our country promised to respect and implement when they signed and ratified the Covenants on human rights and other covenants prepared by the agencies of the United Nations or by their specialized agencies.

Our faith stems from the idea, inherent in the United Nations Charter and in the Universal Declaration of Human Rights, that respect for and observance of human rights is one of the basic conditions for peace in freedom and justice. Therefore, in this sense, we are defending the concept of indivisibility of peace. The work of Charter 77, which has been in existence for over seven years, is fully consistent with the Constitution of our Republic, including with Articles 17 and 29. This work also has international support, as specified particularly in the Final Act of the Conference on Security and Cooperation in Europe, signed in Helsinki, and in the elaboration of this document, which was provided by the participants of the Madrid meeting of this Conference.

Despite this, we find, regrettably, very little understanding by the authorities of our country. They are consistently ignoring all our proposals and criticisms, which is in violation of the Constitution. But they are also illegally persecuting with repressive and discriminatory measures and arbitrary actions those who have the courage to demand observance of the principles of those solemnly ratified documents.

These actions stopped us from meeting with you at gatherings which the state authorities reserved for specially selected representatives of our people. Should it be possible for you and your associates to agree to a meeting with us, we would consider it a great honor. We would also consider it our moral duty to inform you of our citizens' positions and situations as they work for the consistent implementation of the United Nations principles in our society.

We wish you, Mr. Secretary General, a pleasant and successful stay in our country. We also wish you good health and good results in your important activities and responsibilities involving those ideas which we value as much as you do. As much as is possible in our circumstances, we also want to work for and contribute to the realization of these ideas.

Jiri Ruml   Jana Sternova
Charter 77 Spokespersons

Vaclav Benda was not present in Prague.

Jiri Hajek   Anna Marvanova   Radim Palous
For the Collective of Charter 77

Letter to the President of the CSSR

April 6, 1984

The President of the CSSR
Dr. Gustav Husak

Mr. President:

We feel unceasing solidarity with those who are forced to spend long years in prison, very often under cruel and humbling conditions, only because of their political convictions and their civil or cultural activities, whether they concern activities in Czechoslovakia or in other countries and which are carried out in accordance with the spirit of the law and by non-violent means.

We also feel unceasing solidarity with those who are, without a verdict and/or without any other valid court order, subjected to such police restrictions and persecution that their life seems more like a life in prison than the dignified existence of free human beings. This includes, for example, the Solidarity leader Lech Walesa in Poland and academician Andrei Sakharov in the USSR, or a number of Czechoslovak citizens who are subjected, more and more often, to such unwanted "attention" (as was the case not long ago during the visit of the Austrian Foreign Minister and earlier in connection with the peace mission of Italian Catholics).

Such practices are not only inhuman and totally against the law, but also politically deeply damaging--even to the current political line, of which you, as the Secretary General of the KSC (Czechoslovak Communist Party) are the highest representative. The power of those who, already in the not too distant past, have turned their despotism from alleged enemies to their own ranks--including you--is growing. It also creates justifiable public anger when, in this time of economic difficulty and generally increasing crime, dozens of physically able members of the security police keep standing around all day and night at the doors of "inconvenient" citizens or sit in cars parked in front of the homes of such citizens.

Today, however, we are turning to you because of a situation which is supposed to help give the illegal procedures used by the security police an aura of legality. During the past weeks, Charter 77 signatory Jan Litomisky and Charter 77 spokesperson Ladislav Lis, both members of VONS, having served the sentences meted out for alleged crimes against the Republic, were released from prison. Both were also sentenced by the Court (just as were several other political prisoners who are still in prison) to so-called "protective supervision" (house arrest, internal exile) for either two- or three-year periods as permitted by law.

The law on "protective supervision," which has been in force since 1973, is, in principle, deeply questionable. The drafter did not merely make a justifiable effort for the re-adjustment of specially paroled persons, in other words, for the protection of society against further criminal activity (even if experience with a similar legal provision, as for example in France, did not, under quite different circumstances, prove to be very fortunate). On the contrary, the drafter quite openly followed the Soviet example of "internal exile," slightly adjusted for domestic conditions (at least territorially). The end result is the violation of the most basic human principles and codes of European legal thinking, which are also guaranteed by the Czechoslovak

Constitution and by the whole Czechoslovak legal system. The law has been formulated so vaguely that "protective supervision" could be meted out arbitrarily by the Court to anyone who has been sentenced, even to a first offender and even if the charge is only a misdemeanor. The disproportionate length of the sentence meted out for offenses "committed" and the length of "protective supervision", is one striking example. The presumption of innocence is seriously violated because of an obligation to prove the sources of one's income and by the obligation to "allow the state body to enter the apartment." According to law, this "entry" can take place as often as the authorities feel that it is necessary and at any hour during the day or night. This actually happens in practice without any control over the actions of the security police as far as the length of their stay or behavior is concerned. This represents gross restrictions on the basic rights of other members of the household, or other tenants in the apartment, and therefore amounts to an application of the principle of collective guilt and punishment--a principle which has been for several centuries rejected through various acts of European and international law.

All in all the Law on Protective Supervision delegates practically all decision-making rights to the administrative (executive) bodies and eliminates, a priori, any possibility of control or appeal. This procedure is always dangerous; it is doubly so in a situation where the administrator or executor is a state body dependent on its power and repressively oriented, as is the Czechoslovak security police. This situation is not changed by certain principles (such as respect for the family, or the social and cultural needs of the sentenced person) which are inherent in the Law or in the respective commentaries. These are only verbal declarations, without specific guarantees, whose interpretation is left up to the security police. During the past ten years the application of the Law on Protective Supervision has had only deplorable results.

Exact figures are not known, but it is possible to say with certainty that the majority of those who were sentenced to "protective supervision" have had to return to prison, sometimes even several times during this "protective supervision" period. This could mean one thing, that in accordance with the letter of the Law, the "protective supervision" is applied to really deeply disturbed persons; however, that is not the case. The overwhelming majority of them are not re-sentenced for acts of general criminality, but for "obstructing the execution of an administrative decision." That means that faced with unbearable conditions and degrading treatment under the provisions of the "protective supervision," they break down. In many instances it is a deliberate decision based on the belief that life in prison, however hard, is more bearable than the feudal arbitrariness of "protective supervision".

Beginning approximately with 1981, an independent chapter was formed by the systematic application of the Law on Protective Supervision against political adversaries. The application extends to first offenders and to such persons who were, prior to their sentencing, leading the normal lives of workers. If they are sentenced for having political or cultural views different from those which are momentarily the official view, the depth of their "disturbance" is "proven" exclusively by the fact that they are determined not to give up their views, not even under the greatest pressure. The erring circular argument holds that holding "different political views" or being "true to one's conscience" constitutes a "dangerous mental illness." Such court practices and political decisions (you, Mr. President, know as well as we do, that none of these court decisions could have been made without prior political decisions) cannot be supported by a questionable Law on Protective Supervision, only maybe by its general "elasticity." The priority ("disclose information on means and sources of one's livelihood") and the whole interpretation of the Law clearly indicate that it would apply to those who seek to evade honest work and obtain their means of livelihood by further criminal activity. This does not apply to political prisoners. The Law on Protective Supervision can also be interpreted, with little effort, to force sentenced people to change their political views and to abandon their civic involvement.

The most curious and, unfortunately, also the most shocking chapter is the practice of applying the Law on Protective Supervision to political prisoners despite the fact that there has been little experience with this provision. The Law is also constantly seriously violated (sometimes actually in favor of those who were sentenced, which only testifies to the confusion and internal disagreement that surrounds the provisions of this law).

We will cite a few examples: according to Judicatum No. 40/76 (a verdict or judgment), if the Court imposes restrictions in accordance with paragraph 2, section 2 of the Law on Protective Supervision, it is "...not possible to exclude the possibility of imposing the obligation to stay in one's apartment during certain night-time hours...." Even though the Court did not, in the case of Dr. Lis, impose any restrictions in accordance with paragraph 2, section 2 of the Law on Protective Supervision and nothing in that regard was included in the judgment against Jan Litomisky, this obligation was required by both.

According to Judicatum No. 42/75, it is impossible--even a court cannot order it--to "...impose such restrictions which would unreasonably limit the sentenced person in pursuing cultural or educational aspirations...." However, such an unreasonable restriction has been imposed, for example, on Jan Litomisky, who is not permitted to attend Mass in a church where he is an elder because it is conducted in a neighboring village.

Even though the Court imposed protective supervision on Dr. Lis in accordance with paragraph 2, section 1 of the Law on Protective Supervision, where the obligation is only "to inform the authorities ahead of time about leaving the town where one resides," the security police interpreted this provision in accordance with paragraph 2, section 2 of the Law on Protective Supervision and insisted on the need to grant permission for such an absence. This is in violation of other provisions of the Law, because Dr. Lis is being prevented from tending to his farm animals which are on his property out of town.

Finally, in the case of Jan Litomisky, Judicatum 40/74 and 1/75 were violated in his favor, when, despite the provisions that "...during the period of protective supervision, it is not possible to change obligations and restrictions," he was permitted to work in an area which was far beyond the line normally permitted in such cases. This is also due to the fact that the Court did not, prior to imposing the protective supervision, make clear whether the sentenced person would be able to reside and work at the designated place, as it is supposed to do under the provisions of Judicatum No. 56/75. The Law on Protective Supervision is so vague that it has to be constantly "interpreted." This law is also abused in the case of political prisoners.

Here is an example of this. While even the most dangerous habitual offenders only have to report to the authorities once a week or once every two weeks, and only in absolutely exceptional cases twice a week, Jan Litomisky and Dr. Lis are obligated to report to the police daily, including Saturdays and Sundays. When Jan Litomisky started his employment, this requirement was reduced to reporting four times a week. This obligation, combined with a fifteen kilometer distance from the place of his residence and poor transportation, is an absolutely unreasonable obligation. The requirement also interferes with his normal life, as well as imposes additional expense.

Theoretically, the Law does not exclude the imposition of an obligation to report every hour, which would be a type of three year police detention, without any rights and guarantees which a person normally would have in prison.

There is also the harassment and deliberate provocation of these two men. This, as we were informed, is also the standard treatment of regular criminal offenders. For example: the authorities make the two men wait for hours before they will register their arrival; they refuse to take their letters; they issue orders, orally, and then deny that they were given, only to then interpret it as violation of the rules of the protective supervision. There is no protection against this despotism.

Mr. President, in the spirit of the interpretation as presented in this letter and in accordance with a more detailed analysis of the Law on Protective Supervision (see enclosure), we urge you to:

1. use your constitutional authority and pardon, without delay, all political prisoners sentenced to protective supervision;
2. as the highest representative of the CSSR, ask the lawmakers to review the Law on Protective Supervision, with the aim of amending or abolishing it.

April 6, 1984
Dr. Vaclav Benda Jiri Ruml Jana Sternova
Charter 77 Spokespersons

VONS, Committee for the Defense of the Unjustly Persecuted
Czechoslovak League for Human Rights
Member, International Federation for Human Rights

Dr. Ladislav Lis
Retiring Charter 77 Spokesperson

(As of today, Dr. Lis is passing to his successor the function of spokesperson for Charter 77; however, he will be of assistance to current Charter 77 spokespersons and will substitute for them in case of repression).

Charter 77 spokesman Rudolf Battek is still in prison. He also will be under "protective supervision" after he has served his prison sentence.

Encl.: The Law on Protective Supervision*

*Editor's Note: The Law on Protective Supervison is not reproduced here.

Presidium of the Czechoslovak Federal Government

International Labor Organization

Document No. 10/84

May 5, 1984

For many years (since 1977), the International Labor Organization has discussed a complaint submitted by the International Confederation of Free Labor Unions regarding the violations of the Czechoslovak Labor Laws and Convention 111 concerning the prohibition of discrimination in employment and occupation by Czechoslovak employers, organizations, and other institutions. It is asserted these were used against many Czechoslovak citizens for political and civil stands that were not in keeping with official views. These citizens expressed their views through Charter 77, which they signed, or through their sympathies for Charter 77 and its signatories. Many citizens, especially in 1977, were fired from their place of employment for signing Charter 77 and many were discriminated against in many other ways. After many years of discussions about the complaint by the International Labor Organization and its committees, the situation of some Charter 77 signatories has improved, but the majority of those who signed the Charter were not "rehabilitated" and their persecution continues.

Charter 77 spokespersons have on many occasions contacted Czechoslovak authorities in order to bring to their attention discriminatory practices perpetrated by some employers: national enterprises, various offices, and institutions. The suggestions submitted by Charter 77 were not only concerned with the discrimination practiced against Charter 77 signatories. They also dealt with known facts about hundreds of thousands of Czechoslovak citizens who, after 1969, were either fired from employment or forced to accept lower paying positions because of their political, civic or religious views. In 1975 V. Bilak, for example, stated in the magazine Daily World that over 150,000 Czechoslovak citizens were discriminated against in their employment because of their political views. This number, however, included only former members of the Czechoslovak Communist Party; it did not include the tens of thousands or hundreds of thousands non-party members who suffered the same way. The official stand toward these groups has not changed since 1970. They are still being discriminated against.

Unfortunately, formulating legal adjustments or amendments is one thing--applying them in practice is another. Experience gained during the past years has taught us that laws and other legal norms which are a part of the Czechoslovak legal system are not in and of themselves a sufficient barrier against violations of the values they are supposed to protect. This is especially true when the authorities do not have an interest in their implementation.

When it suited the authorities these laws were amended (e.g., the amendment of Labor Law No. 153/1969/Sb., which formed a "legal" basis for firing hundreds of thousands of Czechoslovak citizens from their employment). When the changes and amendments fulfilled their purpose and when it became necessary to quiet the criticism within our country regarding such procedures, a new amendment of the Labor Law was enacted. This happened, for example, when Czechoslovakia was criticized during the 1970s by the International Labor Organization and when it was placed on the "black list" along with the Republic of South Africa for discrimination in employment for political reasons. This "took care" of the main charges against our Republic. Soon afterwards, however, the authorities felt that they had to warn Czechoslovak citizens that they would not put up with criticism of conditions in our country or with freely expressed views such as those presented in the Human Rights Manifesto of Charter 77 with hundreds of signatures of Czechoslovak citizens. Therefore, disregarding prior commitments, the authorities used a well-tried weapon: firing from employment. Even if this time "only" several dozen Czechoslovak citizens were affected (not hundreds of thousands as in 1969) the warning, given this way to Czechoslovak citizens who have not forgotten the purges of the 1970s, was quite effective.

Firing from employment was legalized March 31, 1977, by the office of the Prosecutor General of the CSSR, when it claimed that the Human Rights Manifesto of Charter 77 was intent on endangering the socialist society and the state system. Therefore, as was concluded by courts adjudicating employment related disputes, those who signed this Manifesto objectively endangered the security of our country. As has already been stated, Czechoslovakia again became the target of sharp criticism for violating the principles of Covenant 111. Discussions about this problem, conducted by the International Labor Organization, have not concluded as yet. Again the Czechoslovak authorities have given many assurances that the situation has been corrected and that there is no reason to anticipate further violations of the Covenant. In this connection it is necessary to note that even when the Czechoslovak delegate during the 1982 session of the International Labor Organization admitted violations of Covenant 111 by Czechoslovak employer organizations, the Czechoslovak authorities did not use the legal means available to them to void all the sentences meted out in this regard.

In the meantime it become known that while the

Czechoslovak delegates and representatives of the Czechoslovak government were giving the International Labor Organization certain assurances, the Supreme Court of the CSSR published October 9, 1978 in the Collection of Court Decisions a comment or interpretation, which enables the authorities to continue this practice through different means. The gist of it defines very loosely the requirements which employers can ask employees to fulfill as far as their work is concerned. In violation of paragraph 46, section le of the Labor Law, as well as in violation of the respective provisions of Covenant 111, it permits employers to require employees for certain positions not only specific expert knowledge in a certain field but also civic commitment, or, in other words, so-called politically acceptable moral qualities. This broad interpretation of the concept of "requirements demanded from an employee" makes it possible to include requirements of a political nature. This has been practiced against Charter 77 signatories, and, lately, against many believers. This represents discrimination in employment and occupation, which was supposed to have been--according to the statement made by the Czechoslovak Delegate to the International Labor Organization--stopped or prevented by the Labor Law Amendment of 1975.

Furthermore, the protection theoretically provided by the Labor Law--as witnessed by official Court decisions meted out in labor-related disputes--does not apply to certain categories of employees such as priests, teachers, idustrial scientists, lawyers, and government employees. Actually the protection has been suspended by various rules and public notices.

Violations of the right to work, by terminating employment, are used only in situations where authorities try to impress upon large or small groups of Czechoslovak citizens what is and is not permitted, in other words, "who is the boss." Every Czechoslovak citizen knows from personal experience that there is no such thing as equal opportunity in employment in our country. Ability, qualifications, and experience are not the only criteria taken into consideration when hiring a person for better and higher positions; the first requirements are expressions of devotion and loyalty to the powers-that-be, and above all, membership in the Czechoslovak Communist Party.

This principle is expressed in the famous ruling of the Presidium of the Central Committee of the Czechoslovak Communist Party on personnel screening, dated November 6, 1970, which has been confirmed several times since then. This ruling states that "...an important part of qualifications...are political views; loyalty to socialism, to the Marxist-Leninist policy of the Czechoslovak Communist Party, to the socialist state; and friendship to the Soviet Union...."

The nomenclature system is not based on any laws. It is in that sphere which is not governed by laws but by the power structure. Its substance is that decisions on the staffing of all important positions in all offices, industries, and enterprises is the prerogative of the Czechoslovak Communist Party, at whatever level. The decisions of the Party organizations are binding for all managers or supervisors of all employer organizations in Czechoslovakia. It has been estimated that there are many hundreds of thousands such "privileged" positions in the CSSR. In some departments all positions are so classified, including the positions of stokers, maintenance and cleaning personnel. There does not exist in Czechoslovakia an establishment so small that it would not have a key position controlled by the party organization.

Even though this practice, which is not based on any laws, is not publically carried out, it is reflected in the Czechoslovak media. Every day there are dozens of ads in the Czechoslovak newspapers stating that it is necessary to meet all the cadre requirements in order to qualify for this or that position. It is sad that such ads also appear in the daily Prace, which is an organ of the Czechoslovak Trade Unions and which should be the main voice opposing discrimination in employment.

This practice was also noted by the International Labor Organization which asked the Czechoslovak government for an explanation as to how this practice will be brought into harmony with the Convention. However, this is not the only problem. No country, and especially not Czechoslovakia with its limited human and material resources, can afford to waste the ability, qualifications and skills of its citizens. Discrimination in employment causes great material losses for the nation and undermines employee initiatives. It is, therefore, for the good name of Czechoslovakia, as well as for the good of the development of our country, to abide by the provisions of Convention 111 of the International Labor Organization. We demand that our government pay attention to this problem and proceed with the necessary changes to correct the situation.

May 5, 1984

Vaclav Benda Jiri Ruml Jana Sternova

Charter 77 Spokespersons

Charter 77 spokesperson Rudolf Battek is still imprisoned.

Presidium of the CSAV
(Czechoslovak Academy of Sciences)
Document No. 11/84
May 20, 1984

The Right to History

Each nation has its historical experience, its historical memory. Its building stones are, above all, great historical events or periods, peaks of historical processes, turning points or reversals in historical development. These determine its further course. They inscribe themselves into national memory and through their repeated revival they become the basis on which the history of nations or states is formed or they provide the basis for forming new program ideas, conceptions, or state doctrines. Very often also, however, they also form the basis for myths and false imaginations.

History provides a great field for spiritual encounters and struggles. Each period forms its own concept of history and its own notions about a particular period or event. It forms them in confrontation with the present historical, cultural and social events, on the basis of actual historical experience. Therefore, it can be said that historical experience is a spiritual formation of unusual dynamics and complexities, which has always determined--and continues to determine--the life of nations and states. It has an extraordinary power of commitment and association.

Interest in history is shared by many cultures. However it was the Christian culture (which, itself, is a continuation of complicated and diverse traditions), which emphatically and consistently viewed the historical development of humanity as a justifiable process and which forms an important basis for the present. Without this, the present would be--in its genuineness and fullness--unthinkable. Because we are--whether we admit it or not--heirs of the Christian culture in the true meaning of the word, and because the present world, as an entity, with all its virtues and imperfections, is definitely formed by this culture, we cannot but think and act on the basis of history and through history. Neither the extinction nor the saving of the human world can happen outside the historical context.

If the present is the point of intersection of the past and the future, then by living in 1984, we are living--in this small corner of the world, which has, however, in the past, not always been the last corner of the world--in the year of "Great Forgetting." For decades our nation has been purposefully deprived of its historic experience. This is not only because the state power permits publication of only those works in the field of history which agree with the actual official ideology, but also because of active manipulation of basic historical facts and traditions. This claiming of history as a whole has resulted in the concealment, suppression, or falsification of key periods of our history. Even more dangerous than disinformation is the apparent tendency to erase or obliterate part of our history, to condemn it and to silence it into oblivion. Thus, the empty merry-go-round "from anniversary to anniversary" can have its full satisfaction.

Those who thought that memory and experience cannot be expropriated just as the future can be appropriated, were wrong. Today we are witnessing the fact that usurpation of the future must, of necessity, lead to the usurpation of memory, of the past. No matter what history book we look into--whether it is a history book for elementary schools or for high schools--we will find that this assertion is true.

It is evident that the state power wants to use historical memory or experience only as an instrument for domination, that it wants to subordinate it to its goals. It wants to keep in existence only the memory of the powerful and of those who govern, and to use the memory of the governed only to certify the necessity, correctness, and timelessness of the present, filled with worries about livelihood and survival at any price.

The specifics of the total manipulation of history, rests, in the end, in its gradual liquidation. This is because the liquidation of policy, public opinion, morality and other social values, cannot be completed without the removal of the human historical dimension. It means, in fact, the return to a time long past with respect to the beginning of our culture--or, rather, the abandoning of the culture as a whole, since it is impossible to visualize culture without memory and sense.

This "forgetting" is desirable from the point of view of state power. We are of the opinion that it is necessary to actively confront it. None of us should permit, in our own inner selves, knowingly or unknowingly, the extinction of the memory of justice and injustice, of truth and lie, of good and evil; the memory of reality as a whole. We have some responsibility for everything that happens in our inner self as well as for what is around us. However, responsibility itself, and the possibility of giving a sensible answer and to guarantee or take responsibility for one's own actions, presupposes a certain timespan and, therefore, also a historical experience as a source of understanding and continuity. If we are striving for the implementation of human and civil rights, then we must also be concerned most definitely with a revival of historical memory and, therefore, the reconstruction of historical experience as such. Human and civil rights have been formulated within the historical process. Without a living relationship towards history, without understanding its sense, the implementation of these rights would be a mere game, and very often a harmful and dangerous game.

Human and civil rights concern a person as a human being whose existence is not exhausted or spent in an instantaneous experience. Therefore, we do not consider the struggle for the implementation of these rights futile, even if its visible results or achievements are only modest. Despite all Iron Curtains, despite the information vacuum, despite censorships and ideological propaganda, we will hear the voice of a responsible human association. As long as the memory of great humanitarian ideals can be revived and passed on, the restitution of these rights will be possible, albeit difficult.

However, history is not a convenient catalogue of ideals. It is a forest of heterogenous facts through which we can be led to hidden sources and fruits only by various experts. Thus, the struggle for the right to history is, in the narrow sense of the word, extremely urgent. There certainly are a number of historians who did not want to sacrifice their professional honor and gave up, instead, their official status (and with that any possibility to publish here). They are continuing their scientific work under difficult conditions and for a more or less limited circle of friends. Historians in exile are doing very important work for the preservation and intensification of the historical memory of our nation. However, the access to the forest of history is being made difficult for the historians at home, as well as for exiled historians. The ordinary Czechoslovak citizen very seldom has a chance to use their services as guides. There are a few honest historians--but there are fewer of them every day--who have official permission to publish, but they are paying a price. They have access only to remote, precisely defined corners of the forest which the state power considers to be insignificant.

The overwhelming majority of citizens are involuntarily dependent on the interpretation of history as officially presented, in specialized publications, in school books, etc. In this country, the manipulation of history is unlimited. When we compare the situation in our country with situations in neighboring states, we fare the worst. There is perhaps no period in our history, no major cultural or social phenomenon, which cannot be distorted or presented falsely. On the other hand, when it suits powers that be, some periods may even be glorified. However, more and more periods of history are being wrapped in silence. Some of the responsibility for this goes to Czechoslovak historiography, as an institution, as well as to the people who do this work. Therefore, we are trying to present in this document information on the state of affairs in this field which is so important for the future of our nations.

Regrettably, we do not have enough facts and information about Slovak historiography. Therefore, we have to limit ourselves to the state of affairs in Czech historiography. On the basis of the information available to use--i.e., mainly from officially published works of Slovak historians--we have come to the conclusion that the situation in Slovak historiography is about the same as in Czech historiography: absolutely catastrophic. The only bright spot might be that the "consolidation" was not as harsh and that the access on the Slovak side to literature published abroad might be a little better. There is one example we can cite. Jozef Jablonicky, prominent Slovak Marxist historian, was able to slip through--relatively easily--several "consolidation screenings." He is now on the blacklist. During the 1970s he made two mistakes. First, he refused to become an agent for the Czechoslovak secret service. Second, his works reflect the truth, which is not acceptable to the present leadership. He is not permitted to work officially and he has been persecuted for many years. In Slovakia, his home has been searched most often and his literature and documentation is confiscated continually.

Institutions

Because the most important historical institutions, scientific institutes, archives and museums are open and in operation, a chance observer could surmise that nothing has changed in our historiography. These institutions are still the places which see to it that the historical memory of our country is preserved and that historical research and the scientifically formulated historical experience of our state and of our nations is maintained. However, nothing could be further from the truth. We will try to show in this document just how much has changed and that the state of affairs in Czech historiography can be viewed as tragic.

Take the archives. Their organization, standards and arrangement are good and up to European standards. Much depends, however, on the quality of the work of individual employees. Every Czechoslovak citizen has access to materials in the archives--but only up to 1918. Historical material collected and dated after 1918 is not accessible to everyone. Its use is permitted at the discretion of the employees, and refusal does not have to be explained.

Another matter is the availability and accessibility of materials concerning the political history of the First Republic, the post-war history, history after 1948, etc. The materials concerning these periods in our history are not accessible to the public and it can be surmised that many documents have been destroyed.

It is necessary to request special permission to use the archives of the office of the President of the Republic. These archives contain much valuable historical material which has thus become inaccessible to the public.

In the past the archives have also been institutions, where its employees have been engaged in scientific research. This is not so today. In view of the fact that much of the material is not available to the general public, the archives have ceased to fulfill their function.

Our main scientific institution in the field of historiography is the Czechoslovak Academy of Sciences which today has about 100 employees. However, the research of national and world history is deformed and destroyed to such an extent that we can talk about a "caricature" on historiography. The Institute is not productive at all, no major historical work has been published and the state plan has not been fulfilled for the past 12 years. Meanwhile, the institute used up tens of millions of crowns. It is fair to say that other institutes are finding themselves in a similar situation--such as the philosophy institute, the economic institute, the oriental institute, etc. All of these institutions are large, expensive and socially absolutely useless institutions which can exist only in our system.

Generally, it can be said that there is a trend in our historiography to suppress history prior to 1918 and to prefer works about modern history. However, there are no really qualified authors who could undertake such tasks, or the works are subjected to such ideological pressure that they become worthless. The only work of some value that was published in the last few decades is the so-called "Survey" or "Summary" of Czechoslovak history. The first two volumes are relatively good, despite interference from the director of the institute; however, the third volume will probably be the last completed. There are no manuscripts for further volumes. Except for the history of some ideological trends, the institute is not working on anything that could be called general history. Even up to the year of 1918, only the history of economic development is worked on, and this is taken out of context. It does not relate to cultural history or the history of social development. There is no interdisciplinary research in our historiography. For our historians, that which is common and taken as a matter of course elsewhere is only a dream. They do not cooperate with economists, sociologists, psychologists, cultural anthropologists or others, as is customary in other parts of the world. This is only one aspect of the utter spiritual isolation of our History Institute and other scientific institutes in our country. There are no contacts with Western historiography; Czechoslovak historians are not participating in any symposia or congresses. With very few exceptions, they do not publish their articles or books in the West. Today, our historians cannot travel to Austria to do research. They cannot even get anything published in the West in their field. Today, it is even difficult to obtain a translation of Soviet historical works.

The isolation from Western Europe is complemented by isolation from our immediate neighbors. Our historiography is ignorant of the concept of Central Europe and its common political, social and cultural history. No research is done with regard to our historic relations with Poland, Hungary or Germany, as if we did not live in the same geographical area or as if our history had not run parallel for many centuries. Is it at all possible to research the history of Bohemia and Moravia and pretend that the relationship between the Czechs and the Germans in this history presents no problems? Next to the Polish, Soviet, and German historiography, our historiography appears to be stiff and unreal. The Czech historian does not even have at his disposal a basic bibliography. Such a bibliography does not get published because of personal persecution. This brings us to the human and moral problems of our historiography.

People

It can be said without exaggeration that we do not have in the official historiography any personalities who would or could play a major role in their work. In the Historical Institute and at the Philosophy Faculty of the Charles University there are several historians who are capable of interesting writing; however, most of them, because of necessity, are far behind what could be expected of them. They direct their attention to some unimportant issues which have little to do with what is needed. Historians who survived "consolidation" had to change their plans and many resigned. Scientific institutions are run by directors who have no interest in doing anything else but following the party line.

We do not wish to repeat known facts about the widespread persecution of historians during the "normalization." The damage which was done to our historiography is extensive. However, the persecution continues and even greater damage is inflicted by the systematic application of pressure which is not readily visible to the general public. During this type of persecution the persons who are sacrificed and scientifically liquidated are the young people who have not even had the chance to become historians in their own right. This concerns the young generation of historians who came into the institutions at the beginning of the 1970s. The great majority of them have been removed because they did not follow the liquidating policies of their superiors. The second generation, which came after 1975, includes members who, not having the proper background, are more willing to cooperate with the authorities. It is a known fact that the more creative abilities one shows, the more independence one pursues, and the faster one gets oneself into trouble with those in power.

Persecution does not always mean some physical harm. It can also mean little things--such as inhibiting attendance at lectures at the Historical Club. This Club has been in existence since the First Republic. The National Museum has jurisdiction over it and it is, in some respects, independent. However, members of the Club who are employed by the scientific institutions are forced to sign statements that they are against the attendance at these lectures of persons who are in any way connected with Charter 77.

This present manipulation cannot have any relation to tradition, either to the tradition of the Czech historiography or to the legacy of noted Czech historians who very often have influenced the history of this nation and state. There is no period in our history where the state power has been so hostile to historians and their works and to Czech history as the present.

Everything that has been written about our past, all discussions about the meaning of history and Czech history in particular are being forgotten, forced into oblivion. Even the history of historiography, written by the historian F. Kutnar in the 1970s, was received with displeasure and is now on the blacklist.

No works of Palacky, Pekar, Susta, Krofta, Novotny, Chaloupecky, Urbanek, Bartos, Slavik, Kalista are being published. We could continue to name those on the long list of those who were "sentenced" to silence, in many instances several decades after their death.

The Concept of History

If our present day historiography is not linked to any tradition, if it does not deliberate over the problems of Czech history as was done in the past by generations of our best historians, it is not only because it considers such traditions as reactionary and out-of-date or passe. It is also because its thinking is against such concepts. The present historiography has nothing to deliberate about. Because of internal disintegration it has moved itself into a blind alley. It has no unified concept with regard to national or world history and no official institution is capable to present a paper on any historical period. Our historiography is directed by Marxist methodology which sees marxism as a path leading past history, as an escape from history. If it continues to view history as an impersonal idea and if it continues to close its eyes to the importance of culture, religion, and, above all, of free human historical subjectivity, then it really can perceive history only as a collection of bad illustrations of such an idea. History without human beings and without God cannot have any sense and we should not, therefore, be surprised that the argument about the concept of our history, makes no sense to our present historiography. If, for example, Masaryk saw the concept of Czech history in humanism and Pekar in religion, the present day historians at the Academy have no idea at all that they. should even inquire about any concept of our history.

What, then, is the concept of Czech history in our contemporary historiography? One of its chief elements is its anti-Christian and anti-church stand. The Catholic Church, which was of great importance for Czech history until the 18th century, is viewed by the present historiography only and under all circumstances as a hindering element which was always an oppressor. Until Hussitism, our historiography does not follow the development of culture because its main bearer was the church. Neither does it follow the development of social relations and intellectual thought, because those, too, were shaped by the church. History has been reduced to basic facts concerning political history and the development of economics while it is clear that neither can be understood without religion or culture. It is a fact that the Bohemian (Czech) state in the Middle Ages was established in connection with accepting Christianity and that a number of saints honored for centuries (St. Wenceslaus, St. Vitus, St. Procopius, Jan Nepomocky) were centers around which national, political and cultural life evolved. Christianity and the church have always linked us with the history of Europe.

Our contemporary historiography, however, is beginning to show its interest in the first crisis of feudalism, in the Hussite Revolution. This is the first period in which it shows interest in spiritual and cultural matters. However, there is a catch to it. Much effort has been expended since the 1950s to find in Hussitism something that was never in it, but which would be satisfactory for the propagation of ideological schemes: elements of early capitalism, of expressions of some Czech cultural energies.

The next period which is being worked on is the 16th and 17th century, with the struggle between Bohemia and Moravia and the Hapsburgs. The Hapsburgs are always viewed only in a negative and reactionary way. There is no serious work on the dynasty of our Czech kings and only silence about our Czech aristocracy and its historical role. Conflict with the Hapsburgs is viewed only on the level of political events and economic development. There is no analysis of religious and national elements. It seems that, for our contemporary historiography, the Thirty Year War ended Czech history.

In essence it is possible to state that nothing truthful has been written about the history of this nation since 1918 to date, or, rather, that it is forbidden to write anything about the key events of this period. As we have stated before, there are no archives that could be researched and it is impossible to borrow books or newspapers for study at home. The reason for this is that this not so distant past is, as we would call it, in the sphere of interest of one political party. The state of our contemporary historiography only confirms our view that, in the future, we can never permit the public institutions, for example, the historical institutions, which should belong to the whole nation to be used for the benefit of one philosophy, for one political idea. Our historiography proved that under this concept it has become useless for the nation and that it has become the seat of moral and historical nihilism.

The catastrophic situation of Czechoslovak historiography, of historical memory, is clearly evident. The dangers inherent in this situation for the future of our nation can be overlooked only on orders from the state power. There will, undoubtedly, be others who will consider this analysis of the situation incomplete and who will have other ideas as to what should be done. This situation can be corrected only through an honest exchange of ideas. We welcome, therefore, every serious voice in this regard, be it the voice of an individual or of a group. We will publicize it in the same way.

Prague, May 20, 1984
Dr. Vaclav Benda   Jiri Ruml   Jana Sternova
Charter 77 Spokespersons

Charter 77 Spokesperson Rudolf Battek is still imprisoned.

Letter to the Czechoslovak Committee for European Security

(Dr. B. Kucera, Chairman)

Document No. 12/84

June 17, 1984

Mr. Chairman:

We read with great interest the announcement of the forthcoming International Seminar that you are organizing for the 22nd and 23rd of this month. As participants in a citizens' initiative whose goal is, among other things, the consistent implementation of the provisions of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, we welcome every step which assists in strengthening the knowledge of these provisions both at home and abroad. We would also welcome the development of initiatives and actions which would assist in the implementation of these provisions.

These principles represent important progress in international relations and in the development of international law. We regard the implementation of them as an effective means of confronting the present decline in the international atmosphere which resulted in the deployment of new missiles in the East and in the West as well as in our country.

Together with the majority of our citizens, we have attentively followed the deliberations of the Madrid Conference on Security and Cooperation in Europe which ended last September. During the course of the Conference, we addressed some of its aspects in our letters and suggestions addressed to the highest bodies of our Republic. We have familiarized ourselved with the excerpt of the Concluding Document published in our media on September 24, 1983. However, we have waited in vain for the publication of the full text of the Concluding Document, as was promised. Therefore we have made certain that participants in our initiative and its sympathizers become familiar at least with the full text of the part concerning the implementation of Principle VII of the Helsinki Final Act, "Respect for Human Rights and Fundamental Freedoms." Later, we prepared a commentary which dealt with the wider meaning of the whole document. In our letter to the highest bodies of the Republic, dated November 14, 1983, we referred to the Decision of the Presidium of the Central Committee of the Czechoslovak Communist Party and of the Government of the CSSR, dated September 23, 1983, which commits all government organs to abide by the provisions of the Concluding Document. We suggest certain proposals which, in our view, if utilized would assist in the implementation of the Decision.

These facts fully testify that our informal association of citizens, initiative Charter 77, has a serious and qualified interest in the subjects that should be debated and dealt with at the forthcoming seminar. From information available to us, we understand that this seminar is to support the efforts of the Stockholm Conference, the second stage of which started a few days ago. We are fully aware of the seriousness and importance of this issue. The Stockholm Conference makes it possible to put the question of disarmament and its military-technical problem within the context of a political solution--the "strengthening (or rather the renewal) of trust." The Conference then goes back to the global interpretation of security and cooperation, as it was carefully balanced in the Helsinki Final Act and in the Concluding Document from Madrid.

We are of the opinion that it is this complex problem which should be discussed at the Prague Seminar. We do not wish to underestimate some practical suggestions for solving the problem which would lead to reducing or to eliminating completely the nuclear threat from our continent and especially from that part of the Continent where the concentration of troops and destructive devices makes the situation more acute and more dangerous for the lives of people and nations living in that area.

We take the same position with regard to deliberations over agreements obligating the signatories not to use force in international relations. This important obligation is already contained in the United Nations Charter (Article 2, paragraph 4) as well as in the Warsaw Agreement (Article 1) and in a number of other bilateral and multilateral agreements and treaties. It is confirmed in the Helsinki Final Act. This does not mean to say that this obligation cannot be confirmed anew. It is also necessary to take into consideration that, despite the validity of this obligation and commitment, it has been violated by some of the signatories on several occasions. In Europe, it was violated in 1968 in our country by those who signed not only the United Nations Charter, but also the Warsaw Agreement and certain bilateral treaties with us. Without engaging in recrimination, we should be aware of the fact that a proposal to confirm anew this principle cannot have any credibility if the party in question does not disassociate itself (even discreetly, but plainly) from the last violation of the principle. It loses its credibility if there are attempts to justify this violation or to glorify it, or to justify acts of repression and discrimination against those who, in accordance with the United Nations Charter, with the Warsaw Agreement, and with accepted norms of international law and morality, have rejected this violation and continue to reject it. A new agreement concerning this important commitment and obligation can have meaning only if it is accompanied by credible and verifiable guarantees that such a violation will not be repeated.

If the International Seminar, in addition to making learned conclusions, contributes to the Stockholm deliberations and influences the public in this regard, then the Seminar should also take into consideration the provisions of the Concluding Madrid Document and act in its spirit. The Document expresses the principle that peace and security in Europe are indivisible, not only as far as territory is concerned but also with regard to the implementation of all principles designated for peace and security in the Helsinki Final Act. Even more than in Helsinki, the signatory states in Madrid have promised "...strictly, without restrictions, to respect and to implement in practice all ten principles contained in the Declaration of Principles which govern relations among participating states, regardless of their political, economic or social system or their size, geographical position or their degree of economic development...."

As it happened, in the nine years following the signing of the Helsinki Final Act, the principle that was violated most by many signatory states was Principle VII, "Respect of Human Rights and Fundamental Freedoms." The authors and signatories of the Madrid Concluding Document therefore came to the conclusion that it was necessary to reiterate that respect of these principles is a substantial factor for peace, justice, and well-being, and it was necessary to promise, demand, and ensure constant and steady progress with respect to this principle in all the participating states, regardless of their political, economic, or social system. While implementation of the other principles remains the prerogative of governments, the Helsinki Final Act recognized the right of all citizens "to know their rights and duties and to act in accordance with these rights and duties...." The Madrid Document expressly states that in this area, i.e., the international protection of human rights as a factor of peace and security, not only governments have an important and positive role to play, but also "institutions, organizations and individuals." This statement internationally legalizes the position and activities of citizens' initiatives such as Charter 77. Such institutions, organizations, and individuals are bound by the same obligations as the signatories of the Madrid Document, namely, to "...support real efforts concerning the implementation of the Helsinki Final Act...."

In connection with the need to renew and strengthen trust in international relations as a precondition for further steps in the process of relaxing international tensions, we feel it is necessary to stress the importance that the Madrid Document places on respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and the International Covenants on human rights. True and consistent implementation of these obligations is a matter where control is in the hands of every citizen and where a violation perpetrated by any signatory state cannot remain secret before the other co-signatories. Respect for human rights and fundamental freedoms of citizens by the state power is also the basis for the creation of a real public opinion in a country. It also creates the basis for the development of an important factor in the implementation of all principles and obligations of the Helsinki Final Act--a citizens' peace movement, supporting but also independent from and controlling the state power.

We are, therefore, of the opinion that any serious discussion concerning the problem of strengthening trust among the signatories of the Helsinki Final Act and the Madrid Concluding Document must face the issue of implementation of Principle VII of the Helsinki Final Act. It is this issue which is (due to factors inherent in public opinion) an exceptionally important element. For the governments it represents a test of their credibility with regard to the implementation of all other principles, norms and obligations. The discussion of this should also have a place in your seminar. We are ready to submit the data necessary to support our position.

We consider it appropriate, if agreeable to you, to secure the participation of experts from Charter 77 signatories who would, in accordance with the principles and norms of the Helsinki, Madrid and other Documents, explain and interpret our position at the seminar.

We wish the Seminar great success.

June 17, 1984
Dr. Vackav Benda   Jiri Ruml   Jana Sternova
Charter 77 Spokespersons

Charter 77 Spokesperson Rudolf Battek is still in prison.

Open Letter to Polish Friends

Document No. 19/84

November 2, 1984

It was with anger and disgust that we received the report about the kidnapping and murder of the Catholic priest Jerzy Popieluszko. We condemn any and all terrorism. This was an act of blind hatred, which denies all rights and accepted moral principles and which tries to cover up its wretchedness by piling around itself bodies of innocent victims.

We cannot remain silent, especially when such a crime was committed in a country with which we have longstanding cultural ties and traditions, as well as a similar fate and political system.

We cannot remain silent when such a crime has been committed against a person who was a good priest to his parishioners and to striking Warsaw workers, and whose views on freedom, justice, and societal solidarity are so similar to ours. Jerzy Popieluszko was not a victim by accident, but a martyr for his beliefs and for his firm civic stand.

It is a positive sign that the probable perpetrators of this crime were arrested and that the official circles have promised to thoroughly investigate the whole conspiracy and to mete out just punishment. However, we know from our own experience that such an action (in this case perpetrated by members of the secret police) can only happen in an atmosphere which disrespects written law while under the protection of forces more powerful. Honest investigation, which would be able to provide certain guarantees into the future, cannot, therefore, avoid public and resolute consideration of wider issues, including the investigation of a number of similar cases which have remained unknown up to now.

Intentions which are inspired by hatred backfire most of the time. We are, therefore, convinced that the murder of Father Popieluszko will strengthen the spiritual determination and moral authority of the Polish Catholic Church, and that it will give strength to the followers of Solidarity and societal freedom so that they do not succumb to provocations or tiredness. It will also make it possible for those who were his political and ideological adversaries to better determine the line between national accommodation and the enslavement of a nation.

The believers among us will say prayers for Father Popieluszko and for the whole Polish nation.

Prague, November 2, 1984
Dr. Vaclav Benda Jiri Ruml Jana Sternova
Charter 77 Spokespersons

Vaclav Maly
Catholic Priest and Former Charter 77 Spokesperson

To the Federal Assembly of the CSSR

The Right to Information

Document No. 20/84

December 1, 1984

"Everyone has the freedom of opinion and expression: this right includes the freedom to hold opinions without interference, to seek, receive, and impart information and ideas through any media and regardless of frontiers."

International Covenant on Civic and Political Rights,
Article 19 (Collection of Laws No. 120/76).

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Several times in the past, Charter 77 has expressed its opinion concerning the violation of this right in Czechoslovakia. During the Madrid Conference, Charter 77 documented that the Czechoslovak Government is not abiding by or fulfilling obligations which it accepted through the Helsinki Final Act of the Conference on Security and Cooperation in Europe. The situation has grown worse.

A citizen of any state should have the opportunity to obtain basic truthful and complete information about events, first of all from the domestic and foreign press, and from radio and television. In Czechoslovakia, however, since 1948 all information sources have been in the hands of one political party and its administrative apparatus. This apparatus controls not only the official position in commentaries, but also the selection of basic information. The mass media has become exclusively a tool for ideological propaganda. Instead of making it possible for citizens to participate in the political arena and activities, they are systematically creating a false perception of the state of the world.

We would like to bring your attention to several problems in this regard. For example, there was a disinformation campaign conducted around the Olympics in Los Angeles. The Czechoslovak media is fully responsible not only for using untrue Moscow propaganda but also for its own lies and slanderous campaign in connection with the Olympic games of 1984. Even sports reporters were disappointing. Instead of sending objective reports and sports results from the games in Los Angeles, they were sending propaganda commentaries, a violation of basic Olympic ideas. The same situation occurred with the return of Czechoslovak citizens who were detained in Angola. For a long time our public was informed of this situation only very sporadically. Later, there was a short official notice that the Czechoslovak government had received in Prague a delegation of the opposition, UNITA, which was viewed by our media for more than a year as an organization of bandits with which the Czechoslovak government would never deal. Later, we had the opportunity to read several carefully censored commentaries concerning reports of what those who returned had to say about it. However, there were no reports at all about the real reasons our citizens were kidnapped or about the conditions for their return. Our citizens were not supposed to know that the release of our citizens was also partly negotiated by a member of the European Parliament, Czechoslovak exile Jiri Pelikan. Instead, the Czechoslovak media organized a slanderous propaganda campaign against Jiri Pelikan.

We have read many reports and seen many television stories on the joyful life in Ethiopia in connection with this year's anniversary of the revolution. Among these were reports on the construction of a monument to Marx. However, we were not supposed to know that there was a famine in that country. Only when the victims of that famine were counted in the tens of thousands and when the western countries came to the assistance of the Ethiopian population, which we learned about from foreign radio stations, only then did our media begin to write about the famine and the assistance of the Soviet Union and Czechoslovakia. Thus we were able to read, between the lines, about the other side of revolutionary Ethiopia.

Much space in the media--in newspapers, in the radio and on television--is devoted to news and reports about the so-called socialist camp. However, we are not told about the true situation in Poland, about Romanian participation in the Summer Olympics in 1984, or about the Romanian position concerning various international questions. We are not given true information about the economic reforms in Hungary, nor about the improving mutual contacts between the two German states. These and other such issues are reported in strictly censored commentaries in which almost all the basic facts are suppressed or distorted.

The same happened in the case of the murdered Polish Catholic priest Popieluszko. Then, the Czechoslovak media only reluctantly admitted the guilt of the security apparatus in his death. However, they were completely silent about the consequences of this event as well as the fact that his funeral was attended by hundreds of thousands of Polish citizens.

Disinformation is very often so cunning that lies provided to some foreign media are used for an independent viewpoint in countries that have a uniform press.

The interference of the power structure could also be documented in information provided about the arts. It was evident, for example, in the case of the Nobel Prize for Literature award granted to national artist Jaroslav Seifert. All international media reported this event immediately. After a certain hesitation, Prague gave lukewarm consent to acceptance of this honor. Only then did the Czechoslovak Press Agency issue a short report that, according to reports in the western media, J. Seifert was awarded the Nobel Prize for Literature and that a representative of the Ministry of Culture had congratulated him. In the commentaries that followed, nothing was said about the firm civil rights stand of the last Chair of the dissolved Union of Czechoslovak Writers, or the fact that he was one of the first signers of Charter 77. Nothing indicated that his new works had been banned for a long time, or that they had been published only in samizdat form, or that they had been confiscated by the police and used by the court as proof of anti-state activities.

In a related case, there is now an indictment being prepared in Brno against Czechoslovak citizens whose only "crime" is that they tried to take abroad the latest collections of poems of two other poets.

The official propaganda machine was very upset by the fact that the news about Seifert was broadcast by the western media. In contradiction to the truth, official propaganda has claimed that Seifert's works are the most published works in Czechoslovakia and that Seifert is putting distance between himself and independent civic activities. It was also silent about the fact that none of Seifert's works have been published in Czechoslovakia for ten years and that his latest poems were published, uncensored, only abroad or in a samizdat form.

Concealment, suppression, or falsification is not confined to problems of foreign policy or to the "cultural-ideological front." Based on the same rationalization, it is forbidden to make public anything dealing with important economic or ecological problems. Instead, we are witnessing the systematic publication of optimistic ideas--even in cases where false information or the lack of information may pose a direct danger to the course of the economy or to the health of the inhabitants. The fact is that every area of life in the country is affected by this.

About a month ago, there was a fire at the Social Institute during which 26 persons lost their lives. The media reported on it a week later and concealed the fact that the victims were children. They reported only about "handicapped persons." The media never reports on any major tragedy or on any results of official investigations. The results remain concealed because the public could ask unwanted questions.

It would be possible to cite other disinformation instances or the lack of seriousness on the part of the Czechoslovak media. The media has one common denominator: monopoly of the power apparatus and the right to decide on information of any kind. All newswriters, editors and censors depend upon arbitrary decisions. Functionaries of the party apparatus dictate what can or cannot be published with regard to political or economic events; they also decide what has to be suppressed, changed, or left out. All this is done so that the news corresponds with the political lines of the power structure.

During the time of the so-called building up of the socialist system, the media was ordered by those "above" to rid themselves of newswriters who did not agree with the policy of those who governed, who had the courage to criticize mistakes and errors. The media was ordered to expel those who acted according to their conscience rather than on orders from supervisory organs. Political purges started right after February 1948, when a great number of newswriters were forced to leave the editorial rooms and were never permitted to return to their profession. Many were imprisoned, some were executed (e.g., Zavis, Kalandra), and many decided to leave the country.

Even in later years a sense of fear was deliberately implanted into the media--fear of losing one's job or even worse. Those who had the courage to follow their convictions faced firing from their jobs or imprisonment. Further mass purges came after April 1969, when the new leadership of the Czechoslovak Communist Party fired, within a year, several thousands of newswriters. At the same time, the leadership of the KSC forbade the publishing of popular newspapers or magazines such as Listy, Reporter, Politika, Zitrek, Student, Dejiny a soucasnot, Filmove a televizni noviny, Plamen, Host do domu, etc. Many newswriters, especially those who were actively engaged in the citizens' initiative Charter 77, were interrogated and terrorized by the security police. They were under constant surveillance by the security police and some were sentenced and imprisoned for their convictions.

The power structure is also trying to protect its information monopoly with a criminal law under which punishment is meted out for objectively informing the public. This type of dissemination is classified as "incitement," "harming the interest of the Republic abroad," "harming the interest of a friendly state," etc. The distribution of uncensored texts, even those with a non-political content, is classified by the security police as the criminal offense of "subversion of the Republic," punishable by a long prison term.

As for access to foreign media, the Czechoslovak government is again violating the obligation which it accepted in Helsinki and specifically in Madrid, namely, "...The participating states will support freer and wider distribution of periodicals and other newspapers imported from other participating states; they will also support and provide a greater number of places where these publications will be publicly displayed for sale. These publications will also be available in reading rooms, large public libraries and similar institutions...." As the situation stands, these magazines can now be read only by a small circle of carefully screened functionaries and prominent newswriters. Foreign newspapers are viewed in offices and editorial rooms as "secret material" and its circulation is strictly controlled lest it fall into "unauthorized" hands. Even the so-called Monitor falls into the same secret category. It is a special news digest of the Czechoslovak News Agency, used to provide internal information to the party apparatus, government offices, and top editors. It is an extensive survey of news, articles, and editorials of the foreign press and of all serious information. This survey of the foreign press serves this circle of functionaries for the purpose of anti-propaganda and disinformation. Nothing can be used from this material without specific permission from the power structure.

A Czechoslovak citizen is unable to freely subscribe to a western newspaper. During the past year the government issued a directive that it is possible to subscribe to foreign newspapers through the PNS--on the condition that one use hard currency. However, it seems that this ruling was only a cosmetic adjustment in view of the criticism CSSR suffered at the Madrid Conference on European Security and Cooperation. Even though this ruling specifically named certain exile newspapers, all attempts at placing subscriptions have been rejected beforehand with the excuse that such newspapers do not exist or that they have just ceased publishing. In view of all this, it is still only a very small number of Czechoslovak citizens, those with relatives abroad or permission to use the foreign exchange, who can subscribe to a number of non-political magazines such as fashion magazines (but not magazines dealing with culture) or scientific and professional magazines (not in the area of political or social sciences). However, having subscribed to a magazine and having paid a special high fee, the subscriber's problems have only begun: all publications are subject to censorship and, in case of doubt, magazines are confiscated with the excuse and rationalization that they are forbidden and present a danger to the state. Even such magazines as Scientific American or National Geographic go more often than not undelivered to the subscriber. The censorship even goes so far as to confiscate newspapers and magazines from socialist states, including the USSR, if they contain information which is on the list of forbidden subjects for the Czechoslovak media. It is also public knowledge that Czechoslovak citizens returning from abroad are not permitted to bring home foreign newspapers. Any such newspapers are confiscated at the border. The same applies to foreign visitors who bring with them West European or American newspapers and magazines.

The authorities deal in the same way with other literature imported from the West, especially religious literature (Bibles, pictures of saints, etc.) and all exile literature belonging to the "forbidden" category. Exile literature is always second on the list, next to drugs, of the things that are confiscated. On a number of occasions already, television has shown pictures of "unauthorized" literature being shredded. This is very effective, especially when it is shown in connection with news about the imprisonment of those in whose possession such literature was found.

If citizens in our country want to get acquainted with newspapers and literature of western countries directly at their missions or information centers, they will have to reckon with the fact that they will be photographed by hidden cameras as they enter the mission, that their names will be entered into the records of the secret police, and that sooner or later they will be subjected to their pressure.

A number of persons in Czechoslovakia were criminally prosecuted and sentenced for distributing news broadcasts by foreign radio or television stations, or for making it possible for someone else to listen to those broadcasts. (The commentary to the Penal Code specifically states, that "...to make it possible to listen to hostile broadcasts of foreign broadcasting stations..." to at least two persons, is the criminal offence of incitement, for which a person can be imprisoned for up to three years.) In violation of the International Telecommunication Order, Czechoslovakia is jamming foreign broadcasts on a large scale. The upkeep of these jamming devices is very expensive and they use a lot of energy. Despite all this, the number of listeners to foreign broadcasts is steadily growing. The most frequently listened to broadcasts are those in the Czech and Slovak languages of the Voice of America, the BBC, Radio Free Europe, Deutschlandfunk and others. In many areas of the Republic it is also possible to view Austrian and West German television programs. Regardless of the quality of the programs, they satisfy the information vacuum created by the Czechoslovak media in that they permit the viewer or listener to encounter different viewpoints and thus enable him to make his own judgment or have his own views on a particular problem. This is very important because the Czechoslovak media is on orders from the power structure to be willing at any moment to change its stand (as in the case of the deployment of missiles, etc.). However it is united in one thing: polemics are not allowed.

The same function is performed by Czech and Slovak newspapers and books published abroad. However, there are not enough of these publications. They get into Czechoslovakia only with great difficulty and when they do they are confiscated most of the time. But they are an important source of uncensored information and, in a certain sense, also a guarantee of cultural continuity and civic self-consciousness. Every such publication circulates among dozens of readers, even if everyone knows that it is dangerous and that reading such material and distributing it may be viewed as a criminal offence.

Now we would like to say a few words about the responsibility, or co-responsibility, of newswriters for this critical state of affairs in the Czechoslovak media. In the spring of 1969, when the most extensive purge was initiated, the party apparatus sent screening officials who were, in many instances, working with the security police, into the editorial offices. Even today, most of them have leading positions in newspapers and in radio and television stations, and they are also responsible for hiring personnel. During the purges in 1969, a ruling was established that the only persons who could remain in journalist positions were those who had unequivocally and without reservation endorsed the invasion of the five Warsaw Pact states in August of 1968, and who had denounced the democratization process. Also, all newly hired newswriters had to undergo a strict screening process.

All Czechoslovak journalists today are fully aware of these rules. Editors impart to their staffs secret information obtained from the party apparatus about the political and economic situation at home and abroad, including instructions on what can and what cannot be made public, how some facts are to be interpreted, and which facts are to be interpreted differently. All editorial rooms more or less openly discuss disinformation campaigns. To oppose this or to refuse to take part in this game means, of course, permanent loss of the opportunity to work as a journalist. It would be wrong for us to try to be the judge in this case, and to reduce the problem of journalistic responsibility to a conflict between professional ethics and the fear of losing one's existence, one's livelihood. There are certainly many journalists who love their profession and who are convinced that by choosing seemingly marginal subjects, and by choosing words carefully, they may be able to deceive the power structure and present at least some truthful information to the public.

This seemingly realistic standpoint, however, has one problem. There were times when persons with lower education were inclined to believe everything in print if only for the simple reason that it was "black and white."

Today, Czechoslovak citizens view our media with the belief that it tells lies at all times and therefore they try to see the opposite of what the media says. (This does not, of course, exclude successful indoctrination. The disinformation centers have learned to reckon with this popular mentality and to exploit it successfully.)

As long as this atmosphere lasts, as long as the mistrust between the public and the media exists, and until the conditions for trust are changed, there is a serious danger that even the most honest and most professionally valuable journalistic work will only increase the "truthfullness" of the lie and give it luster.

Whether journalists get fired and work with shovels or try to stay--with honest intentions--in the editorial room, they have one of the minimal requirements for responsibility as journalists. That requirement is, to try to reach the goal of bringing about basic changes in the state of affairs.

Charter 77 is bringing your attention again to one of the basic ideas of the Helsinki Final Act of the Conference on European Security and Cooperation: "The participating states have established as one of their goals to work towards freer and greater dissemination of information of all kinds, to support cooperation in the area of information, and the exchange of information with other countries."

This document is intended to alert the responsible bodies that, thus far, nothing has been done to realize this principle.

December 1, 1984
Dr. Vaclav Benda   Jiri Ruml   Jana Sternova
Charter 77 Spokespersons

Statement on the Occasion of the Eighth Anniversary of Charter 77

Document No. 2/85

January 6, 1985

1. Eight years ago Charter 77 was born. Since then, it has become customary on its anniversary for the Charter to restate for itself and for the public its goals, to reflect on the problems connected with its activities, and to recapitulate its tasks. This is not just an annual ritual but a task of considerable practical significance because every year many young people reach adulthood. These people have no memory of the birth of Charter 77 and may have various misconceptions about it. This is why again this year we want to reflect on what Charter 77 is and what it is not, what Charter 77 has accomplished and where it failed, what can or cannot be expected of it.

2. The original Charter 77 declaration (or the Human Rights Manifesto as it is known in the West), was issued on January 1, 1977 and was signed by 241 Czechoslovak citizens. In this declaration, the Charter 77 signatories welcomed the ratification of the International Covenants on human rights by the constitutional authorities of Czechoslovakia. The signatories drew attention to various areas of our public life where the current practices of the power structure violates the provisions and the spirit of these Covenants. They also stated their determination to be consistently concerned with the consequences of these violations--which means bringing to the attention of the authorities and of the public these controversies and to assist in their solution. In doing so they referred to those provisions of the Covenants which state that all people are responsible for the implementation of the

Covenants and have the right and the duty to oversee such implementation.

Therefore, it is evident that the original Charter 77 declaration was not a one-time-only statement, but a declaration of permanent involvement. In this declaration, Charter 77 was defined as an informal association of citizens, who decided--based on their constitutionally guaranteed right --to support the association individually and collectively. Thus, from the very beginning Charter 77 stressed that it is not an organization, nor a base for opposition activities. It does not intend to "enunciate its own programs of political or social change or reform." Its goal from the start was--and remains today--to critically evaluate and monitor the implementation of our Constitution and laws, and respect for human rights. Its aim is also to call public attention to various crises, injustices and disturbances.

It is known that the authorities refused to recognize Charter 77 as a legitimate, significant and constructive part of our social life. Rather, they refused to deal with it, to respond directly and objectively to Charter 77 initiatives. Instead, they entrusted the State Security Police with all communications with Charter 77. At the same time, the authorities made Charter 77 the target of a massive propaganda campaign, based on the claim that Charter 77 is a hostile and subversive organization, inspired and directed from abroad and directed by unworthy motives. This campaign, however, was quickly terminated. The mass media have tried for several years by silence or occasional disinformation to create the impression that Charter 77 has ceased to exist. However, to this day the powers-that-be have not changed their negative attitude towards Charter 77.

According to the official proclamations, only so-called political means will be used against Charter 77. Thus, participation in the activities of Charter 77, or signing the Charter, are seldom officially ackowledged as reasons for criminal prosecution. The fact is that many Charter 77 signatories have been or are being criminally prosecuted or imprisoned for participation in its activities. Most Charter 77 signatories were subjected to various forms of harassment, ranging from the loss of employment to permanent police surveillance, to having their children barred from higher education. Several of the signatories were subjected to terrorist attacks. The actions of the authorities, unfortunately, only confirm the truthfulness of the original Charter 77 declaration, that, among other things, citizens in our country are "...forced to live in constant danger of losing employment and other opportunities if they express their views."

Charter 77 refused to be discouraged by the regime's hard line and, ever since its inception, has tried to live up to the task it has set for itself. Charter 77 has published several hundred documents ranging from studies of various areas of societal life (for example: the legal code and its application, the state of the economy, the ecological situation, the problems of education and science, the status of ethnic minorities, the situation in health care, respect for social, cultural and religious freedoms, etc.), to numerous communications, protests, requests, viewpoints, proposals, etc. The position of Charter 77 directly influenced the formulation of many other documents, both analytic and conceptual, dealing with various aspects of public life and their international and historical connection. It also helped develop several wide-ranging discussions (e.g., on our national identity).

To date, Charter 77 has been signed by 1,200 Czechoslovak citizens. Twenty-three of its signatories have taken turns as Charter 77 spokespersons. Nine of the spokespersons have been imprisoned, some of them several times and for long periods of time; only one of the spokespersons has emigrated. As was always the intention of Charter 77, several working groups have formed, each dealing with a specific task. The best known and most active among them is the Committee for the Defense of Unjustly Persecuted (VONS), which has been functioning since 1978 as an independent group and which has issued more than 400 communications. Since 1978, an independent group of Charter 77 signatories has published a monthly typewritten periodical, _Information about Charter 77_, which contains not only all documents of Charter 77 and all communications of VONS, but also numerous other texts related to Charter 77.

Ever since its founding, Charter 77 has enjoyed the attention, solidarity and support of foreign public opinion. Such support has been expressed by similar Eastern or Western citizens' initiatives or movements, by the media, by various public officials, political parties, trade unions and peace movements, special interest groups, religious societies and church dignitaries, and countless well-known or unknown individuals around the world. A number of professional studies and books devoted to Charter 77 and its ideas, activities and contribution to public consciousness have been published abroad. Since its founding, Charter 77 has had the support of the International Committee for the Support of Charter 77, established in Paris, whose members include many well-known people from various countries. It also has the support of the Charter 77 Fund, located in Stockholm, which collects contributions from various organizations and individuals for the support of Charter 77. The position of Charter 77 and its activities were discussed during conferences of various international organizations, such as the ILO and the Conference on Security and Cooperation in Europe in Belgrade and Madrid.

All communications of VONS have been translated by dozens of professional and special interest groups, as well as by governmental and non-governmental organizations the world over. Thanks to the respect the activities of VONS have won, VONS has been granted the status of the Czechoslovak League within the International Federation for Human Rights, as an organization associated with the United Nations.

Even this brief review of Charter 77 activities makes it evident that despite the authorities' negative attitude, despite the persecution of Charter 77 signatories, Charter 77 lives, is active, and continues to gain recognition at home and abroad.

3. For many years, civic association in our country has been possible exclusively within the framework of a centrally authorized and centrally directed, disciplined and bureaucratically controlled organization. These associations are organized according to a uniform model, the only one allowed, which is accountable for its activities to higher political authorities, rather than to its own membership.

Ordinary citizens have become so used to this part of the present system that not even those who sympathize with Charter 77 always understand the voluntary principle of an "informal association," which was revived by Charter 77 after so many years. Unwittingly, they put Charter 77 in the same category of (centralized) organizations. Thus, they have a distorted conception of this citizens' initiative. For instance, we frequently encounter the notion that although Charter 77 may try to benefit society as a whole, it is a closed society of those "in the know," of specialists. These people are equipped with some special "know-how" or ambitions. Therefore, even if their activities deserve silent public support, public participation is, in principle, prohibited. It seems that the activities of Charter 77 and the state's reaction to it were like a confrontation between two professional teams which society can watch only as a spectator. At times such perceptions even go so far that people view Charter 77 as an alternate political entity, which outwardly, for tactical reasons, restricts itself to the defense of human rights, but which, in reality, is guided by its own political goals or by ambitions for power. According to this perception, Charter 77 only puts up with such persecution in the covert hope that after an eventual power upheaval this persecution will rebound to its credit, giving Charter 77 a legitimate claim to replace the governing regime. The lack of freedom of information, the scheming of official propaganda and, above all, the long-term suppression of democratic consciousness and traditions, understandably bolsters such perceptions. We believe these perceptions deserve critical attention. This is not only in the interest of truth about Charter 77 but, above all, because of what such perceptions reflect--that is, the commonly held and deeply unhealthy view, that the general conditions in our country are and will forever remain the concern of some specialists on power. Such perceptions also reveal that people feel there is nothing left for ordinary people but to acknowledge, silently, the activities of these experts-specialists on power.

Therefore, we want to stress that Charter 77 is not a formal organization, and even less a closed, specific political group or faction: it is open to everyone. Charter 77 signatories are citizens with various convictions, religious beliefs, political orientations and professions. Among them are the young, the old, workers, university professors, former politicians and persons who have never held--nor would they accept--a political office. No one in the Charter has more rights than anyone else because of his or her profession, connections, political affiliation or view point.

Charter 77 has no members, only signatories. It is not something one can join or leave--only sign. In the deepest sense of the word, Charter signatories do not sign for other signatories, for the spokespersons or for the Czechoslovak authorities. They sign for themselves and their consciences. It is up to them to prove and understand the meaning of their signature and what tasks that entails. No one controls them, no one assigns them any duties, and no one tells them how to think or live. They are not bound by any statutes nor subordinated to any discipline. They are bound only by those responsibilities and subordinated to such discipline as they want to accept and impose upon themselves. Charter 77 signatories are independent and fully competent persons who have freely chosen to sign Charter 77. They have lost none of their freedom by that signature. They are free to withdraw their signature whenever they want. It is solely up to them.

The nature and extent of their Charter 77 activities depends, first of all, on them--their interests, knowledge, diligence and courage. It also partly depends on how much Charter 77 spokespersons and possibly other signatories acknowledge--in friendly and informal discussion--their suggestions or proposals to be legitimate and meaningful expressions of Charter 77 goals. The actual continuity of Charter 77 activities is based on confidence in Charter 77 spokespersons and on their ability to judge what corresponds with the goals and spirit of Charter 77. It also depends on their ability to consult with other signatories about their tasks--that is, to the extent conditions permit. No one can hinder the individual signatories (of Charter 77) in all respects. If Charter 77 accepts responsibility for their concrete activities, then it is only to the extent to which it specifically decides to do so.

In a broader sense, one can perceive Charter 77 in different ways. In one way, it is an application or a subscription to a set of certain values, dignity, and individual rights in society; it is a certain civic position or responsibility; it is, or it will gradually become, a certain type of community in which one can develop from time to time certain kinds of interaction and activities.

In a narrow and strictly factual sense, Charter 77 is only what is stated in its original declaration, signed by all signatories and open for anyone else to sign. Only in that sense can Charter 77 be seen as an entity and only for that can Charter 77 be held responsible. Only criticisms of these texts are legitimate criticisms of Charter 77.

Charter 77 does not, in its activities, have any other goals than those stated in its original declaration. It does not follow any particular interest of its own, but only the interest of the society as a whole. It is open to anyone who shares this interest and who chooses to proclaim it publicly with his or her signature.

4. Charter 77 is an open and informal association not due to some accidental decision or some tactical considerations, but because of its inner meaning.

Where can one find this meaning? What does Charter 77 actually seek and what does it expect from its activities?

Many citizens are surprised and often discouraged by the disproportionate sacrifices which Charter 77 signatories must make and the limited effect of their activities. We believe that it is precisely this disproportion (which actually is not nearly as hopeless as it seems on the surface) which, in a sense, points to the very nature of the Charter 77 position. It is not a stand for a purpose, but for a principle which cannot be measured by some immediate visible impact.

As one of the first Charter 77 spokespersons, philosopher Jan Patocka has often stressed, and most Charter 77 signatories agree, this is a moral stand. The likelihood that it will make a specific impact on society is uncertain, remote, and must be seen in perspective. It is a stand stemming from consciousness and not from calculation. No one gains anything or changes anything for the better simply by signing Charter 77 or by preparing a document. People can gain the feeling of being liberated, of being true to themselves, of being publicly responsible again, of having left the arena of general indifference and of not participating silently in matters which are obviously immoral.

However, if even only one person, even an unknown one, gains this feeling, the whole society benefits. Through this individual, the society is liberated. It, too, takes a step away from its resignation, indifference and schizophrenia and returns to itself some of its lost self respect and dignity. It is clear that such a social gain cannot be registered immediately in some institutionally proclaimed change. It exists only in an area which cannot be pinpointed directly, but which is part of the milieu of our lives. That, however, does not discourage Charter 77 signatories. The motivation for their activity is their own human responsibility, their own conscience. These are more important for them than counting their numbers and seeing how seriously they are viewed by the political authorities.

The criterion, therefore, is not how they adapt to the present social mechanism, or the norms of behavior demanded of them. They are not guided by tactical-political or prognostic speculation. The criterion, above all, is personal and uncensored. It is a personally guaranteed life experience, and personally experienced and accepted responsibility for the state of affairs.

None of the first Charter 77 signatories--and certainly even less those who signed it later--had any illusions that Charter 77 would be accepted by the authorities. Nevertheless, if they decided to establish the Charter 77 Manifesto and to affix their signature to it, they did so out of conviction that even under these circumstances speaking the truth publicly was justified, because openly stated truth is always in the public interest. They were also convinced that it is right and useful to maintain, despite all obstacles and difficulties, a tradition of civic self-respect, civic self-confidence and a freely expressed responsibility for the fate of the society. This is so under all circumstances, regardless of whether--if at all--this stand will produce any concrete and visible changes for the better through such protracted and complicated means. It is correct and useful also for the simple reason that it is very difficult to visualize any lasting change for the better, especially in view of the circumstances under which we live, without having a clear picture of what must always precede it and from where it must grow. Because this is the only guarantee that there will be a change in peoples' minds, in their souls; that their morals will change as well as their civic stands in what we call social awareness.

External events can, in and of themselves, evoke in certain marginal situations an intensified resistance against evil and longing for change. However, they can evoke these feelings only if there are persons in whom they can be evoked. This is to say, this is possible only if there still exist people who would recognize evil as evil, who have not yet lost all sense of moral values, who can still stand straight, express themselves freely, and see their own dignity, if they can recognize that life with meaning is more than mere living and that responsibility towards their own human integrity is also responsibility to others.

The emphasis of Charter 77 is on the importance of human rights and on the duty and work of individuals who are so often crushed and driven into anonymity by the modern state. Charter 77 signatories do not hesitate to attest to their ideals by placing their own humanity on the line against superior forces: dehumanized and bureaucratic power. These actions can be seen as an effort to rehabilitate actual people to their inalienable uniqueness and to return them to the center of social activities, such as politics, law and order; i.e., to things which should serve them rather than enslave them. Even if such an effort looks isolated, hopeless or even like a lost cause, it carries in itself something very important: the seeds of a new and deeper universality. Stemming from direct personal experience and substantiated by personal sacrifices, it can address the immediate and ideologically unalienated personal experience of others and that which is common to all of us and thus universal. In other words, it concerns an appeal to our entire society.

Perhaps these interpretations make it sufficiently clear that it is not opportunism which impels Charter 77 to stress it is not a political organization, that it does not subscribe to any political doctrine, ideology or program, that its most important goal is not a certain concrete change of government or system. It does so because its goal is really fundamentally different. It is deeper and more far-reaching: its goal is to rehabilitate people as the true subjects of history. However this mission, which seeks to revise the role of the system in its relation to the individual, by its very nature radically transcends the framework of mere changes of the system or power, i.e., the framework of eventual exchange of one official ideology for another, of one group of rulers for another or of one arrangement for another. This effort represents potential criticism of every system because every system, even the best, conceals within itself a tendency to elevate itself above people. Therefore, Charter 77 has a valid purpose under any circumstances.

When Charter 77 repeatedly brings the attention of the authorities to certain crisis situations, it tries to force the authorities to do something about them. It is, however, also trying to achieve something else which far outweighs the insignificance of specific improvements which the criticism might provoke: it renews civic pride, it reveals that one can speak the truth, it awakens hope in ordinary citizens. If this effect is not always fully understood, it is not because it does not exist, but because, for various reasons, some people resist understanding it. Because our strength is limited, as is the strength of others, we are prevented from doing more, doing better and being more eloquent.

5. Inaccurate understanding of Charter 77 and its debates can also be seen in some criticism which occasionally is heard about Charter 77 activities.

Any independent statement or manifestation appears to be political under conditions characterized by a forced demand for absolute and unreserved support of everything the authorities assert and do. For that reason from the very beginning Charter 77 was seen by the authorities as a political entity. Charter 77 was accused of having a political opposition program and of trying to gain power. This official interpretation was met with disbelief, yet it left its mark in the subconsciousness of many citizens. This has taken two forms: (1) those who, like Charter 77 signatories, consider the most important citizens' task to be involvement in the search for truth and justice, but are of the mistaken opinion that Charter 77 is too politically oriented. They feel they would lose some of their independence if they participated in Charter 77 activities; and (2) those, who--influenced by the same interpretation--are definitely disappointed in Charter 77 activities. They cannot find what they expected in it: a purposeful fight for changes in the power structure and the system.

The way the authorities portrayed Charter 77 is taking its toll. One group is afraid of its politicization, while another group is disappointed because Charter 77 is not the political force they thought it to be. There is misunderstanding in both cases. By opening the way for public discussion, by taking the role of public opinion and by struggling for the right of freedom of expression, Charter 77, without doubt, provides an opening for free political thought. By providing this opening, Charter 77 does not show that it wishes to fill the space itself. Charter 77 signatories signed--or are signing--only the original declaration in which the goals of Charter 77 are clearly defined. To overstep these limits would mean arbitrary misuse or abuse of signatures for something for which they were not intended.

Sometimes we encounter the opinion that, in theory Charter 77 is open to all and follows goals beneficial to everyone; in reality, it is a route which can be taken only by a specific group and not by everyone because it does not offer a universally acceptable and, at the same time, productive model of behavior. Participating in Charter activities is linked with consequences which only a fraction of our society is capable of bearing. Its principled stand, it is said, stems from persons who have nothing to lose and it is not transferable to those who still have something to lose. Thus, it does not take into account the real situation and the possibilities of the majority of the population.

In view of its openly critical approach, which, under existing circumstances can lead only to confrontation, this stand is viewed as self-destructive rather than constructive. Its eventual wider application is considered to be counterproductive because it would prevent or make it impossible for citizens--who are trying under existing circumstances to be useful--to do even that little which they are still able to do. We are well aware of the fact that Charter 77 does not, at this moment, represent a stand which would be possible or even perhaps necessary to follow or to accept mechanically. There does not exist a single Charter 77 document which would justify the belief that Charter 77 considers its own form of public activity the only correct form and the only possible form, or that it condemns others for giving preference to other solutions. The contrary is the truth. All Charter 77 documents relate the fact that its main interest is the well-being or welfare of the society as a whole, regardless of who gets the credit or which process is used. Charter 77 is not striving to be a mass movement; it is not conducting any appeals for signatories and no one is reproached for not signing the Charter.

Within our society, Charter 77 undoubtedly plays its catalytic and encouraging role, creating, at least for the present, some marginal horizons as to what can be done using critical reflection on our conditions. This makes it possible for others to see an alternative. Even if it seems difficult to accept for the present, this altenative provokes positive ideas. However, Charter 77 can play this role only within a varied panorama of our social life; a panorama, which will come to life and activate other ideas and viewpoints-- thanks to the stand adopted by Charter 77. We understand that many new ideas may not hold up the mirror of reality as directly and openly as Charter 77 would like, but perhaps they can be more effective on the level of specific, immediate and concrete results. To help our fellow citizens to live decently, to be responsible and to resist evil--all that can be done by anyone. It can be done in thousands of ways and Charter 77 evaluates such human and civic activities only in the terms of its value, not whether such activity is similar to approaches taken by Charter 77 or not, or whether the activist is a Charter 77 signatory or not. Were the Charter 77 signatories to consider themselves and their activities alone and if they did not honor all those who, in one way or another, are really trying to work for the benefit of our society, their attitude would be in direct conflict not only with Charter 77 documents, but with its very spirit and meaning.

We occasionally encounter in the foreign press--to the extent to which it reports objectively and truthfully about the situation in our country--the view that after so many years of suffering Charter 77 is tired. It is not up to us to judge how tired any one of us is; however, we would like to state that Charter 77 never subscribed to any romantic ideal of revolutionary excitement and hectic activity. The goals of Charter 77 are long-range and they may not all be fully accomplished. This means that Charter 77 activities must, of necessity, be modest, constant, calm, factual and without ostentations, and, as far as energy is concerned, economical. We are of the opinion that it would be better for Charter 77 to publish only one document of high quality per year, addressing the issues thoroughly, than if it were heard from on a daily basis at the expense of quality, aiming at gaining publicity and popularity for itself.

These reservations do not mean that we are forever and without exception enthusiastic about ourselves and our activities. We do not consider the activities of Charter 77 perfect and we are aware that sometimes hurried work causes imprecisions. In our defense we have only this to say: Charter 77 signatories are not superpeople, or saints, or a selected group of heroes. They are what they are; no one picked them, no one is supervising them and no one is giving them orders. No one has the chance, the right or the intention to force them to bear even more police and official harassment than they are already do; to have more strength, energy, courage and wisdom, than they have; to be even less afraid that they will be imprisoned; and to give even more free time--after working full day as janitors, stokers or guards--who work on an activity which only entails further risks. Charter 77 signatories are normal people who know and have tasted fear and they need rest. They must confront the same daily problems as everyone else and, very often, problems which are much worse; their nerves are not made of better material than anyone else's. In its way, Charter 77 reflects the possibilities society has at this time. In other words, society has the kind of Charter which it is capable of producing at a given time.

6. The right to leave one's country and to return is one of the basic human rights. Naturally, Charter 77 signatories also have this right. If some of them use the opportunity to emigrate--either because of a free decision or under pressure, it is entirely up to them. What consequences will stem from their signatures and in what way, under changed conditions, they will fulfill or not the tasks which they committed themselves to with their signature is also up to them.

It is necessary in this connection to bring attention to an important fact. The Czechoslovak media is trying, from time to time, to create the impression in the minds of the people, that the majority of Charter 77 signatories live abroad and that even Charter 77, as such, conducts its activities outside the borders of Czechoslovakia. Under the influence of this disinformation the people tend to believe that this is true. (But people believe this because of other factors, too; for example, because the public is informed of the activities of Charter 77 from foreign radio broadcasts or because people do not believe that such activities can be conducted in

Czechoslovakia.) This is not so. Up to now (under strong police pressure) about 15% of the Charter 77 signatories have emigrated. The absolute majority of signatories, including those who are most active and best known, live here, in this country. They support Charter 77 activity and participate in it whenever circumstances permit. Also, many of those who emigrated are active in their new homelands in the spirit of Charter 77, assisting in publicizing its documents, informing the public abroad about Charter 77 goals and taking part in expressions of solidarity with the Charter.

7. None of the Charter 77 signatories believe that the advancement of human rights can be, especially in today's world, an isolated affair of this or that country. This is impossible not only for practical reasons, but also from a principled point of view: there is only one humanity in the world. Its happiness and freedom is indivisible and those who bear or feel greater responsibility for the fate of humanity on this Earth cannot limit this responsibility within state or other borders and remain indifferent to what is happening beyond them. Just as many freedom loving people in the world are in solidarity with the efforts and ideals of Charter 77, Charter 77 is in solidarity with all of those who suffer unjustly or who are striving for a happier life through respect for the rights and dignity of humanity. Because Charter 77 is not a political organization which would have to subordinate the extent of its connections to various expedient considerations, it is open to every sincere dialogue.

Since its founding Charter 77 has expressed its opinion about problems in other countries, especially if they concern the fate of human rights. It also sends its documents to various international conferences and maintains friendly contacts with similar initiatives in the East and West. The dialogue conducted by Charter 77 with various peace groups and its cooperation with them is also important in this respect. In this dialogue Charter 77 repeatedly stresses the indivisibility of peace; the direct dependence of external peace on domestic peace, on the respect for human rights, and on the need to confront the danger of war with profound changes in the areas where there are true dangers of war. This means, specifically, the political realities of today's world which ignores the natural rights of nations and which remains absurdly divided.

To the extent to which Charter 77 does not share the viewpoints of its partners, it tries to understand them and to explain to them its own viewpoints. We believe that this Charter 77 activity is a legitimate part of its mission, which stems from the text of its original declaration.

8. In concluding this small self-reflection, we shall try to recapitulate briefly what was achieved by the eight-year activities of Charter 77 and what its existence contributed for the betterment of life in our society.

It would be wrong to think that no one pays attention to Charter 77 documents. Even though the authorities never acknowledge receipt of the documents and never officially react to them, we know that they are thoroughly studied on various levels of the hierarchy. At least some if not all of the representatives of state and political power know full well--even if they have to deny it officially--that Charter 77 is striving to present a true picture of the conditions in our society and that it certainly better reflects public opinion than the state controlled media. But even if the authorities were utterly indifferent to the contents of the documents, they would have to pay attention to them. They know very well that the public--at least that part of the public which is interested in what is happening in our country--knows about these documents (some from foreign broadcasting stations). They know that these documents are known to officials and to the public abroad and that it is, therefore, necessary for them to know these documents, if only to know what they should trivialize and deny. This in itself is of significance: authorities are in this way forced to deal with issues and problems which they would otherwise overlook. They will, of course, never admit that this or that was done at the suggestion of Charter 77. We could name quite a number of specific instances when, shortly after Charter 77 discussed some problem, this problem, all of a sudden, appeared on the agenda of the specific authorities or in the media, was discussed and sometimes partially solved.

The authorities, hitherto the sole and sovereign ruler over all societal deliberations and decisions, have for some time now been forced to deal with some major problems in a different order and in a different way than the way they had planned. Now, next to the official work calendar there is another calendar to take into consideration; next to the official activity, another activity has to be considered in one way or another. With Charter 77, a factor which, despite all attempts at liquidation or discreditation, managed to acquire a certain authority, independent of the authorities has once again entered public life after a long absence. This factor is the authority of truth. Though it might seem immodest to say so, Charter 77 is believed, just as VONS is believed. Even the most confirmed enemies of Charter 77 must take this into consideration.

Even if cases of specific correction were fewer, the situation evoked by Charter 77, cannot remain permanently without positive social results. During the eight years of Charter 77's existence, some aspects of the social climate and of the practices of the authorities have changed for the better. There is a stronger sense of legality and respect for it, at least in the formal sense of it. Greater consideration is given to international public opinion and there is greater fear of publicity concerning obvious injustices. Signs of greater autonomy have begun to appear in enterprises and organizations--or at least signs of greater resistance to behind-the-scenes manipulations by political authorities. The power apparatus, at least at some levels, is slowly becoming aware that there is a seed of independent control from below; that there is someone who is not afraid to critically examine their activities and bring them to the attention of the public. Fear of arbitrary decisions seems to have grown, even though it is reflected, primarily, in the efforts of various officials to avoid personal responsibility and to hide behind the anonymity of the apparatus.

More important, though, than these small shifts in the exercise of power are the shifts in the thinking and attitudes of the society. People are beginning to realize that there is an entity which may not have at its disposal any direct instruments of power, to which it is possible to turn for help in cases of dire need and whose moral impact means that at least the person in question will not be forgotten, lost or unknown. Even though Charter 77, as far as the number of signatories is concerned, represents only a microscopic part of society, its importance far exceeds this physical dimension. It is as if after years of total atomization of society and of total moral relativization, something had arisen which can be measured and in which one can, in one way or another, find support.

Charter 77 has become, unintentionally, something like a cartographer, mapping a terrain. It is exploring the limits of possibilities. It seeks to widen these limits. It is sticking out its own neck in order to determine which paths are penetrable and which remain, for now, closed. It blazes a trail and thus opens up an area which can be used by others.

This is probably most evident in culture and in spiritual life generally. It would be difficult to imagine that without the birth and activities of Charter 77, independent thought, literature and art, would have developed in the broad way which we have witnessed in recent years. Without the support, pressure and standards which this independent culture represents, without its resonance and without the spiritual potential which it awakened, it would be difficult to imagine certain important actions and initiatives which have appeared in the realm of what is officially permitted. Nor does this relate to culture alone. It is highly probable that the activities of Charter 77 influenced even such areas as, for example, religious life which has shown a sign of rebirth in recent years; or in ecology, in which the public has grown increasingly more interested.

There is, however, another important element which Charter 77 introduced into the contemporary life of our land. After many decades of constant exclusion of various groups of our people from public life and of a hidden--and now overt intolerance--there has come into being a society of a radically new type: a society which is genuinely open, which excludes no one, which does not recognized different classes of people; a society of real tolerance and equality, which brings together intellectuals and plain people, conservatives and non-conformist youth, Marxists, Catholics, liberals, socialists and Protestants; in which no viewpoint can claim a priori a leading role. If anyone has such a leading role, it is only a role based on the authority of specific agreements. But even that leading role is conditional: there is no tool which would guarantee to anyone this "leading role" even for one minute longer than deserved by virtue of that person's work. We may be barely aware of it, but it is a significant historical phenomenon, because it is absolutely new. It could be the embryo of a genuinely democratic perspective. Come what may, this experience, this model and this challenge, cannot be wiped out from our national memory.

As can be ascertained from what we have said about Charter 77's reasoning and its sense, Charter 77 can be understood as a reach for a new type of politics, or rather, a revival of what was once understood by the term "politics," the way it was practiced, and which has, today, been almost forgotten.

Charter 77 represents a departure from any politicking and manipulation in the sphere of power which is aimed primarily at gaining power and preserving it. Charter 77 represents an expression, grown from simple human responsibility towards another human being, of an elementary civic interest in common well-being; genuine, unselfish, free of all ideological filtering. In today's world, with many diverse and parallel interests, Charter 77 has become a part of a rising international chorus into which it adds its own distinct, uninterchangeable tone.

We have more than once encountered in various ways the view that, with the birth of Charter 77, history has returned into the strange timelessness of our country and that much which was once absurd, has regained meaning. We would be happy if that were the truth. We shall, in the future, try to do all within our power and opportunities to confirm the truth of it.

Prague, January 6, 1985

Jiri Dienstbier Eva Kanturkova Petruska Sustrova
Charter 77 Spokespersons

Dr. Vaclav Benda Jiri Ruml Jana Sternova
Retiring Charter 77 Spokespersons

Dr. Jiri Hajek Vaclav Havel
First Charter 77 Spokespersons

The Prague Appeal

Document No. 5/85

March 11, 1985

We are presenting to the public the "Prague Appeal", which was prepared in letter-form by a group of Charter 77 signatories of diverse viewpoints for the Peace Congress to be held this summer in Amsterdam. We have prepared this proposal, which reflects our collective position, as an opening for a discussion by Charter 77 signatories and all citizens and institutions which are not indifferent to the future of our life together on this continent. We welcome agreement and criticism of our position from individuals or groups. We want to know what reaction this proposal will evoke abroad, be it in still-divided Europe or anywhere else in the world.

We believe that discussions will give rise to suggestions and proposals that will help overcome the obstacles which stand in the way of a unified, democratic Europe of free citizens and nations, able to take its fate into its own hands. Only this kind of Europe can be an effective partner in creating conditions for a peaceful life and in overcoming the growing crisis in today's world.

March 11, 1985

Jiri Dienstbier Eva Kanturkova Petruska Sustrova

Charter 77 Spokespersons

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THE PRAGUE APPEAL

Prague, March 11, 1985

Dear friends:

For forty years now, no war has been fought on European soil. Yet Europe is not a continent at peace. On the contrary, as the main area of friction between two power blocs, it is the focal point of constant tension, posing a threat to the entire world. Were a war to start here, it would not only become a global war, but it would in all probability be fatal for the whole world.

The cause of this ominous role burdening Europe is its division. We hope that this division can be overcome. This can be made possible only by a purposeful and gradual transformation--acceptable to all concerned--of the political reality that brought it about.

This no-war status has lasted for forty years because both sides respect the situation created when the spheres of military operations agreed upon at Yalta degenerated into political-military blocs. Maintaining the status quo, or defending and strengthening this state of affairs, is conditioned by various fears of any destabilization of the balance this situation has created. Any transformation would, therefore, require special sensitivity. It must not be accompanied by any threat of superiority. It requires, on the contrary, creating guarantees and assurances, evaluating and fusing all specific aspects, recognizing the present state as the starting point for any changes, and excluding fears of reviving old dangers that have already twice in this century led to a catastrophe. The prospects for moving beyond the present state of affairs are not nearly as unfavorable as they might seem.

The Conference on Security and Cooperation in Europe, the Helsinki Final Act, the follow-up conferences and the Madrid Concluding Document do not represent simply a confirmation of the status quo. They are also a program of European and European-American cooperation. It is a process in which the participants are not blocs, but equal partners. It is a process which affirms the independence of all participating states and lays down principles of mutual relations, the application of which opens up the prospect for the reunification of Europe. Consistent with the traditions of European culture, this process has firmly established the idea of the indivisibility of peace--not only in relations among states, but also between state and society and between the citizen and the authorities.

The peace movement has thus far made little use of the opportunity to demand that governments live up to the obligations they themselves have accepted. Yet this system, confirmed by international law, makes possible public control of the government by citizens and a creative overcoming of rigid attitudes. Different conditions in individual countries emphasize different means. An understanding of and respect for these differences is a condition of a mutually supportive approach.

No democratic Europe can exist as long as any citizen, group or nation is denied the right to participate in decisions affecting not only daily life, but survival itself.

By cooperation and through dialogue with all who genuinely seek to overcome the present dangerous situation, it is then possible to come forward with our own initiatives and proposals for disarmament, for the creation of nuclear-free zones and neutral zones. It is then also possible to stimulate the development of contacts among individuals, groups, and nations, and to support agreements on non-aggression, on the renunciation of the use of force, or the use of nuclear weapons. It is possible to support regional agreements of all kinds, such as the rapprochement of the European Economic Community and the Council of Mutual Economic Assistance. It is possible to jointly oppose insensitive treatment of the environment, to take governments at their word, to analyze government proposals and to foresee the consequences of such proposals. We can, in short, support every individual, group or governmental initiative that would serve the ideal of rapprochement and free association of European Nations and to oppose measures which delay or interfere with this goal.

We cannot avoid topics which have up to now been taboo. One of these topics is the division of Germany.

From the perspective of European reunification it is impossible to deny anyone the right to self-determination, and this must hold for the Germans too. Certainly this right, just as any other right, cannot be applied at the expense of others, or applied without regard for their concerns. Let us, therefore, declare unambiguously that a way out cannot be sought in any further revision of European borders. In the context of a European rapprochement, borders should become less and less important, but even that should not be interpreted as an opportunity for a revival of nationalism. However, let us openly acknowledge the right of the Germans to decide freely whether and in what form they desire a unification of their two states within their present borders. Following Bonn's agreements with its Eastern neighbors and the Conference on Security and Cooperation in Europe in Helsinki, a peace treaty with Germany could become one of the significant tools of a positive transformation in Europe.

Another such question is the withdrawal of foreign troops. Let us propose, then, that the North Atlantic Treaty Organization and the Warsaw Pact open negotiations as soon as possible on the dissolution of their military organizations, on the withdrawal and removal of all nuclear weapons installed in Europe or aimed at Europe, and on the withdrawal of US and USSR military units from the territories of their respective European allies. The agreement should also include a provision for reducing the strength of all armies on the European Continent to a level which would preclude fears of a possible attack.

These and similar tasks should form a part of a complex process that must not be aimed against anyone, but which should serve as a vehicle for mutual rapprochement. We have no desire to build Europe into a third superpower. Rather, we want to overcome the structure of the power blocs through an association of free and independent nations in an all-European, democratic and autonomous association which would live in friendship with nations of the whole world. Only citizens living in freedom and dignity can guarantee the freedom and self-determination of nations. Only autonomous nations can build Europe into an association of equal partners which will not threaten the world with the danger of a global war, but which will be an example of genuine peaceful coexistence.

Such an ideal may be viewed as an impossible dream. But we are convinced that it represents the will of the majority of Europeans. It is, therefore, worth striving for, especially since it is unlikely that our world today will overcome its crisis if Europe does not move along a path reflecting its will. We are confident that our standpoint will be met with your understanding.

We wish you success in your deliberations.

Jarmila Belikova
Vaclav Benda
Tomas Bisek
Daniela Biskova
Petr Cibulka
Jan Carnogursky
Albert Cerny
Jiri Dienstbier
Lubos Dobrovsky
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Jiri Hajek
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Ladislav Hejdanek
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Jan Ruml
Jan Sabata
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Anna Sabatova (Jr.)
Anna Sabatova (Sr.)
Libuse Silhanova
Jan Simsa
Petruska Sustrova
Petr Uhl
Vera Vranova
Josef Zverina

Proposal for Legislative Amendments

Document No. 7/85

March 20, 1985

The participating states of the Conference on Security and Cooperation in Europe will meet in May 1985 in Canada to review compliance with obligations accepted in the field of human rights. It was decided to hold this follow-up meeting at the Madrid Review Meeting of the Conference on Security and Cooperation in Europe.

We are of the opinion that this meeting presents an opportunity for Czechoslovakia to contribute to progress in this important area.

The first step towards this end has already been taken. The Government of the CSSR and the Presidium of the Central Committee of the Communist Party of Czechoslovakia approved on September 23, 1984 the text of the Madrid Concluding Document of the CSCE. All government bodies were ordered to comply with its provisions. Among the provisions of the Document is also a determination on the part of the participating states to comply fully with the principles guiding relationships among the Conference participants and to bring them into practice. The Madrid Document specifically stressed the need to develop legislation in the field of civil, political, economic, social and cultural rights and to assure their enforcement. The Document also confirmed the right of all individuals "...to know their rights and obligations and to proceed in agreement with these rights...." With respect to compliance with the provisions of the Helsinki Final Act in the field of human rights, the Document pointed out the importance and positive role not only of governments, but also of organizations and individuals, as well as citizens' initiatives and other informal groups.

We welcome the fact that the Czechoslovak Delegation in Madrid agreed with such a humanitarian concept of the text, that the federal government confirmed this agreement and that it ordered the state bodies to abide by its content. We, as a citizens' initiative wishing to take upon ourselves the co-responsibility for the state of society, are hereby informing you of our position on this issue.

Compliance with the Concluding Document demands that our laws be amended so as to agree with the obligations which the Czechoslovak State accepted by signing and ratifying international agreements, particularly the Covenants on human rights. These Covenants, having been published in the Collection of Laws No. 120/1976, became a part of the Czechoslovak legal system. This obligation is also stressed in Article 2 of both Covenants:

> Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary, to give effect to the rights recognized in the present Covenant....

We are of the opinion that, in accordance with Article 17 of the Constitution of the CSSR, it is necessary to interpret all legal norms and rules concerning the rights and obligations of citizens in the spirit of these Covenants. The highest state organs, particularly the Federal Assembly and the Prosecuter General, should consistently review whether the practices of the state organs and social institutions correspond with the accepted obligations. In cases where it is not possible to ascertain through the interpretation of existing norms whether such harmony exists, it will be necessary to legislate amendments. It is at the same time necessary to prepare legal norms for relationships where none exist at present, or where they are inadequate.

We therefore propose to the Federal Assembly and the Government of the CSSR that our legal system be reviewed with respect to the International Covenants on human rights, and that a program of necessary legislative measures be worked out. We are enclosing concrete suggestions. We want to stress that most of them have already been proposed earlier, for example, as in Charter 77 Document No. 15, dated February 8, 1978.* Thus far, there is no indication that these proposals have been discussed or in any way dealt with. The Charter 77 Initiative is ready for a serious dialogue and effective cooperation in bringing this about.

In order that as many of our citizens as possible can participate in the discussion of the required legislative measures, we believe it is necessary to provide as much information as possible:

--to publish in large quantities the International Covenants on human rights, the full text of the Madrid Concluding Document and other pertinent documents dealing with this issue;

--to create the conditions for continuing scientific endeavour and for the publishing of scientific publications and magazines;

--to prepare the introduction of the subject of human rights into the curriculum of all schools, within the framework of teaching responsible citizenship.

The goal of these measures would be to contribute to the realization of the idea expressed in the Preamble to these Covenants: "[i]ndividuals, having duties to other individuals and to the communities to which they belong, have the responsibility to strive for the promotion and observance of the rights recognized in the present Covenant."

We believe that it is possible to institute certain steps without hesitation in a way that would give the Czechoslovak delegation in Canada the opportunity to inform the other delegates about an active approach to solving the problems of human rights. It is all the more important because compliance with the provisions and obligations assumed under the Helsinki Final Act and the Madrid Concluding Document would contribute to the improvement of our lives, as well as to the strengthening of peace and rapprochement in Europe.

March 20, 1985
Jiri Dienstbier   Eva Kanturkova   Petruska Sustrova
Charter 77 Spokespersons

Encl.

*Note: Charter 77 Document No. 15, dated February 8, 1978, was published by the Commission on Security and Cooperation in Europe in July, 1982, in the publication, Human Rights in Czechoslovakia: the Documents of Charter 77 1977-1982.

On the Fourtieth Anniversary of the End of World War II

Document No. 9/85

April 26, 1985

The bloodiest war in world history ended 40 years ago. People who fought courageously in the battle against nazism believed that after its defeat, Europe would be liberated from cynical trampling on human and civil rights. Nations hoped and expected that peace would bring the restoration of sovereignty, the realization of the ideals of liberty, democracy and justice.

The official commemorations of the liberation of Czechoslovakia are being marked primarily by listing all that was achieved in the past 40 years. However, we would like to turn our attention to some problems faced by the great majority of our citizens.

The truth is that the structure of Czechoslovak society has changed drastically during the past 40 years. Many new enterprises and establishments have been built; new cities have been built; the differences between the life style of city dwellers and those living in the country have been leveled off; agriculture is more productive; education and health care are financed from common funds; the old and sick, and mothers with small children are taken care of; poverty has been eliminated. All of this is the result of the work of people who have honestly tried--and are still trying--to contribute to the development of our society, despite all the obstacles they encounter.

However, this formulation is not the whole truth. Similar, or better results, have also been achieved by other European nations. Above all, each of the achievements brings in its wake a number of problems which detract from it. We have to point out, firstly, that this development was marred by several waves of violence and persecutions when whole groups of people in our society were excluded from public life. This includes whole generations of educated men and women, many of whom paid with their lives or with long-term imprisonment for the power struggle in our society. Many lost their jobs and many of our citizens escaped persecution by leaving the country. Evaluating where we are now, 40 years later, in comparison with the achievements of the First Republic or with advanced European countries today--i.e., what we have achieved under the slogans of socialist ideals and what our society had to pay for it in the violence that has taken place--we have to state that today's results do not justify past cruelties. On the contrary, the effects of cruelties not atoned for are still being felt today in the life of our society.

When we look around the country, we can detect at each step and in each area of public activities various crisis situations and deformations which make life very difficult. We accept gratefully the fact that during the last 40 years Europe has lived in peace. But at the same time we have to acknowledge that it is exactly during these years that people in our country were and are still losing the feeling that the place where they were born, where they work, where they are bringing up their children and where they are asked to accept responsibilities is their home which cannot be taken away from them. Home means security, prosperity, confidence and warm relationships--feelings which our society is losing very rapidly. The feeling of security is paralyzed by missiles that are deployed in our country against the will of the majority of the population. Economic prosperity is hampered by a senseless bureaucratization of the direction of the economy. No one--

maybe not even those governing us today--has any confidence any more, either about one's position or about the future of one's children.

Warm relationships may be found within family circles and in unofficial societies, but there is no decency in public life anymore. People are mean to each other, pretense and coercion are taking over, as are fear and powerlessness. The most telling sign of a feeling of not having a home is the endless flight of mostly young people from the Republic.

Not even official criticism covers up the fact that society is permeated with corruption, bribery, abuse of positions, shoddy work, cheating, pilfering, indifference to the soil which feeds us, indifference to values which were entrusted to us, the squandering of those values and the waste of human labor. The government punishes these abuses by criminal prosecution, but they will not disappear from our life. Society as a whole has to deal with them; the remedy has to come through people's initiatives. Unfortunately, these initiatives do not function in our directed society. What we get are artificially created "paper initiatives" prepared by functionaries for presentation to the leadership. Good will, enterprise and creativity will not spring up for the benefit of all of us until people can feel that they are trusted, that they are reckoned with, that they have the confidence of society and that there is room for them. In order to feel like citizens and masters in their own home, in order to have the feeling of responsibility for the state of society, much would have to change in Czechoslovakia, especially the climate we live in. Today's formality, coercion and dictatorial attitudes from above do not induce confidence.

The change in the climate does not mean breaking up the social system, but it could make the governing social system more productive, regenerate it, make it more dynamic and more elastic. People could live more freely. The basic principle of social climate is the possibility of being useful. But it is precisely in this area of our life that politics follow the power interests of the governing echelon, rather than the actual interests of society. It is an established practice that everywhere--in the economy, in science, in culture, in education, in the health services, in agriculture--preference for leadership positions is given to persons who are "committed," i.e. to members of the Communist Party or the Youth Federation, even if others who are not members of the party are more qualified and competent. With very rare exceptions, a person who is not a party member does not have any hope at all of ever being considered for a supervisory position in any area of life in our society.

It is also a fact that there exist two interpretations of criminal charges: one for the functionaries, who are protected by "immunity of power"; and another which is used against so-called ordinary people. This double standard also exists in the area of compensation, in wages, in honorariums, in bonuses, in cost-of-living allowances, in the supply of goods and in health care. Discrimination has set in, as well as privileges and injustices. The end result is that conceit is on the rise among the elite groups, as are injustices; and the so-called ordinary people retreat into their private life and withdraw from public life. This situation in our society is not the only cause of our problems, but resolving it would change the social climate for the better.

We are, therefore, suggesting the adoption of several measures. They are not revolutionary, but they might contribute to creating confidence as well as self-confidence among people and would assist in making the general situation healthier.

1. We suggest that the government proceed to abolish the present criteria for hiring employees and deciding promotions so that people can be hired according to their education, qualifications and competence.

2. We suggest that those who were deprived of their employment in political purges of the past be given the chance to work in their fields, where they will be able to use their knowledge, talent and qualifications. All these people are well qualified, competent and honest and they are being kept back because of the selfishness of power. We are not so rich that we can afford the luxury of political revenge.

3. In the spirit of our Constitution and in the interest of moral re-evaluation and improving the education of children, we suggest permitting the influence of Christian and other humanistic ideas which would stem the dehumanization, moral emptiness and cynicism of our society. At the same time we suggest that the government abolish the prohibition against publishing unofficial literary works, as well as other artistic and scientific works, which, together with valuable official works, form one national culture. We further suggest expanding editorial activities with better equipped libraries which would be accessible to all and thus make it possible for everyone to get to know the heritage of world culture.

4. We also suggest that public control over the executors of

power be guaranteed, particularly in the area of public opinion.

5. As an expression of humanity, we suggest that on the occasion of the 40th anniversary of the end of the war, a general amnesty be proclaimed.

Prague, April 26, 1985

Jiri Dienstbier Eva Kanturkova Petruska Sustrova

Charter 77 Spokespersons

Discrimination in Employment

Document No. 11/85

May 22, 1985

Since 1977 the International Labor Organization has had on its agenda the violation by the Czechoslovak Government of ILO Convention 111/1958, which prohibits discrimination in employment. The Czechoslovak government has discriminated in employment and professions against signatories of Charter 77 or against citizens who have expressed sympathy for the Charter. These violations have been brought to the attention of the ILO in a complaint submitted by the International Confederation of Free Trade Unions. Many Charter 77 signatories have been fired illegally. In most cases, court decisions dealing with these labor disputes have legalized these discriminatory proceedings against the Charter 77 signatories. Over the years, discussions concerning this issue have touched on general violations of the rights of Czechoslovak citizens in employment and in the professions.

The Commission of the Conference for the Application of Agreements and Recommendations also dealt with this problem. In this connection, the Commission studied the impact on these violations of the decision of the Central Committee of the Czechoslovak Communist Party of November 6, 1970 concerning screening and personal accomplishments.

The Czechoslovak delegates always maintained that the Czechoslovak government abides by these agreements. They claim that individual cases of violations have been corrected and that legislative amendments will guarantee the application of laws. They also maintain that the Agreement of the Central Committee of the Czechoslovak Communist Party does not apply to the problems discussed and should not, therefore, become a matter for discussion by the ILO.

Charter 77, however, is firmly convinced that the Czechoslovak government is incorrect in maintaining this position. Every year Charter 77 documents concrete violations of Convention 111/1958 in employment and in the professions by Czechoslovak governmental organizations and employers. It points to courts' decisions which make violations possible by confirming the legality of a firing on the basis of differing political or religious convictions. It also points to deficiencies in the amendments to the Labor Law, the proceedings of the high courts of the Federal Republic, and the proceedings of the courts of the respective national republics. Their interpretations of the Laws only exacerbate the deficiencies of the legislative amendments and thus make possible the use of proceedings which violate the obligations accepted by Czechoslovakia under the provisions of Convention No. 111/1958. For example, see versions of paragraph 46, Item le of the Labor Law, concerning qualification requirements demanded for employment; or paragraph 53, Item lc of the Labor Law, concerning immediate termination of employment. This is used in cases where it is in the interest of the political power structure to terminate employment of citizens maintaining or expressing differing political civic views. Or refer, for example, to the Conclusions of the Seminar, conducted by the high courts on June 19, 1975, published under No. 51/1975 of the Collection of Court Decisions and Positions in Matters of Civil Law; or the Report on the Evaluation of Court Findings in the Application of Law No. 20/1975 in questions concerning the termination of employment. This was discussed and approved by the Advisory Board of the Supreme Court of the CSSR on March 24, 1978 and published under No. 15/1978 in the collection of

Court Decisions and Positions in Matters of Civil Law. Or refer to the decision of the Supreme Court of the Czech Socialist Republic (CSR), dated December 16, 1976 and published under No. 38/1979 of the above mentioned Collection of Court Decisions.

We believe that this practice is the result of basic political-ideological decisions made regarding the adjustment of legal work-related relations. On the one hand, these decisions are influencing the formulating implementation. Above all, we are concerned with the way the so-called leading role of the Communist Party of Czechoslovakia is carried out in practice, as mentioned in the Decision of November 6, 1970 on cadre work. This role affects the implementation of provisions of Convention 111/1958 on prohibiting discrimination in employment and in professions.

An analysis of some problems of the adjustment of legal labor relations and of its implementation indicates that there is a great discrepancy between Convention 111/1958 and the way its provisions are implemented in Czechoslovakia. Discrimination against citizens with differing political views and standpoints and above all, the politics of the so-called cadre ceiling, which affects millions of Czechoslovak citizens, is not only a violation of the obligations accepted by the Czechoslovak government under the provisions of Convention 111/1958. It is something worse. It deprives our country of a possible contribution by these citizens to its development, not only in the economic field, but also in science, in culture, in education, in health and in many other areas. This expresses itself in the constantly growing economic backwardness of Czechoslovakia, in an inadequate use of science, in limitations in culture, in lagging behind in education and health services with regard to the demands and needs of citizens. Charter 77 is convinced that overcoming this state of affairs would be beneficial for the progress and interests of our country. The highest Czechoslovak organs and institutions should, therefore, revise their policies in these areas.

Prague, May 22, 1985

Jiri Dienstbier Eva Kanturkova Petruska Sustrova
Charter 77 Spokespersons

CC: Ministry of Labor and Social Concerns
International Labor Organization (ILO)

Encl.: Analysis of Decision of the Central Committee
of the Czechoslovak Communist Party, dated 11/6/1970

* * * * * * * *

Analysis of the Decision of the Central Committee of the Communist Party of Czechoslovakia, November 6, 1970

The Communist Party of Czechoslovakia implements its policy and enforces its interests not only through a large network of bodies in all state governments, in economic and other organizations, but also through its members, who have been placed in more important positions in the state apparatus, in economic and other organizations, etc. This is why it stresses so-called cadre screening. The basic task of this is to make certain that all major supervisory positions and other more important functions are performed exclusively by members of the Communist Party. In some cases, such positions can be filled by citizens who have at least expressed a deep loyalty to the Communist Party and the policies of its Central organs.

This year marks the 15th anniversary of the approval of the Decision of the Chair of the Central Committee of the Communist Party of Czechoslovakia, dated November 6, 1970, concerning cadre screening and personal involvement. The 14th Congress of the Communist Party of Czechoslovakia later confirmed this decision. (See the book edition of this Decision, published by the Svoboda publishing house, Prague, 1974). Today it is still valid and implemented in practice. This decision is not an act by a state body and therefore cannot be considered a law or a legal ruling. But in reality, it, and other decisions made by party organs have preference over laws and other legal rulings because the first duty of supervisors and other functionaries of the state apparatus, of employer organizations, and of judges is to implement the policies of the Communist Party. Some type of "implementation ruling" on this Decision was published in Pertinent Questions of Cadre Politics and Screening Work (1974), written by a collective of authors from the Institute of the Theory and Practice of the Building of the Party High School of Politics of the Central Committee of the Czechoslovak Communist Party.

The above-mentioned Decision states that cadre screening is an integral part of every activity concerning administration and control. Its main task is selecting and training people for leading functions and other important functions and placing them according to their political and expert qualifications, and their personal and moral character. It involves regular evaluation of their work, daily screening and keeping records of their development.

The Decision also defined the meaning of "qualification." Qualification, according to the Decision, consists of: political maturity, class consciousness, a required degree of theoretical knowledge and expertise, life and particularly working experience, skills and habits, scientific outlook and intellect, moral habits and personal abilities. Important parts of this are political viewpoints: loyalty to socialism, to Marxist-Leninist policy, to the Communist Party of Czechoslovakia and to the Socialist State, to friendship with the Soviet Union. According to the meaning of the text and what is carried out in practice, the most important criteria in considering or judging an employee are political views and with how much engagement and intensity these views are put into practice. Yet at the same time these views must always be in agreement with the actual views of the central bodies. Any other political view is not in agreement with what is required under "political maturity," "class consciousness," etc. This so-called cadre policy is implemented in two main areas: screening procedures and screening personnel groups in all organizations and institutions.

Screening procedures, according to the said Decision, are the basic prerequisite for developing a purposeful system of cadre work. Their implementation is an expression of the leading role of the Communist Party and of so-called democratic centralism. These procedures define the rights and duties of individual party organs, the arrangement of the chairs and functionaries in the state and economic field, etc. The leading role of the Party is to be stressed in all areas of government, economic, social and cultural life. The screening rule is binding for all supervisory personnel in all areas of social life. Only applicants approved by the respective party organ can fill positions defined in this screening rule; their dismissal falls under the same rule. This rule is valid for all applicants, whether they are members of the Communist Party, of another political Party, or if they are not affiliated with any Party. In this connection, all Party organs are working out long-term screening programs (such as what percentage of direct Communist Party members must be employed at certain organizations or institutions).

Screening procedures or rules are always worked out by the higher Party organs, starting with the Central Committee of the Czechoslovak Communist Party down to regional and district committees and committees of the respective institutions and organizations. Only the actual party organizations are not involved in working out screening procedures. However, the by-laws of the Communist Party (No. 1 68/h) state that they have to "...work purposefully in preparing people, in helping to make the right choices, in educating and in placing the cadres..."

Party organizations or party organs in production, transportation and business have a right to voice their opinion on the selection of supervisory personnel within the scope of their activities (article 70 of the by-laws). On page 52 the by-laws also state that party organs or party organizations should not have a voice in the selection of employees such as bookkeepers, workers or maintenance personnel, as is done in many institutions.

Cadres or personnel departments are under the control of the director of the organization or institution. But according to the said Decision, the party organs are to review their activities regularly and methodically and, by screening personnel, should maintain tight control of the way the principles of the screening procedures are implemented. The party organizations also have to follow the work of these cadre groups and evaluate the way they implement the rules. At the same time they have to evaluate the way these groups are controlled by the management of the institutions of organization. Only "class conscious, politically mature, dependable and experienced persons, who are loyal politically" can be employed in these groups-units.

For all practical purposes, citizens of Czechoslovakia are allowed to make their living only as employees of state or other government-controlled organizations or cooperatives. The only exceptions permitted are in certain types of art; also, some writers may have the privilege of working on their own, but still under government control. The principal question for any citizen, then, is to be able to enter into a working contract with a government-controlled enterprise and/or organization.

The Labor Law (Law No. 65/1965/Sb.) guarantees all citizens the right to work. But at the same time, it states that their first priority--and a matter of honor--is "to work for the benefit of society according to its needs..." (Article I). It does not, therefore, guarantee citizens the use of their skills in accordance with their own interests and needs. This hurts them deeply, especially when they have special qualifications or when they have specialized in a certain area.

While Convention 111/1958 interprets "qualifications for certain employment" to mean that it does not include specifications about religion or political affiliation, the interpretation in Czechoslovakia is to the contrary. Requirements that a job applicant meet certain cadre requirements are often stated in ads in daily publications. Below are a few examples:

1. Tanning establishment in Prague has an opening for an inspector in TKK10--cadre requirements (from the daily, Svobodne Slovo, [The Free Word], March 9, 1985, page 6).
2. "Experience and cadre requirements" are necessary for positions with a construction company in Prague for: a supervisor of the payroll accounting department; for payroll and production bookkeepers; for a planning supervisor; for economists; for a supervisor for the supply room; for a technician; for a construction supervisor, etc.
3. The management of the Krusnohorske Theater in Teplice has an opening for a conductor of operettas, musicals and musical comedies; experience and cadre requirements (from the daily, Mlada Fronta, March 9, 1985, page 14).

4. National enterprise "Leciva" in Prague 10 has an opening for a qualified person in economics. Degree in Economics, experience and cadre requirements (from the daily, Lidova Demokracie, March 8, 1985, Page 14).

From these examples we can surmise that "cadre requirements" are necessary in addition to actual job qualifications. People who would like to apply for such positions are informed beforehand that they have no chance of being hired unless they are members of the Communist Party or (at best) unless they can prove that they are actively propagating the policies of the central organs of the Communist Party of Czechoslovakia and thus display their conformity with the prevailing political line. Young people can prove their conformity by being members of the Union of Socialist Youth, which is directed by the Communist Party. In many instances, however, such prior information is not available and an applicant is simply refused the position (no contract is signed). If there are several applicants, preference is given to the one who has the best "cadre qualifications" and not to the one with the best qualifications as far as education and experience are concerned.

Applicants who are refused jobs--who are discriminated against--because of political views or religion have no legal means of defense against such discriminatory procedures. They can not even request an official report on the reasons for refusal, or find out who made the negative decision. They will get no assistance whatsoever from the Communist Party-directed unions.

In some professions, cadre requirements are required by law. For example, in the case of notaries public and lawyers, the law requires "loyalty to the socialist system." Soldiers and members of the National Security Police must swear loyalty to the Communist Party of Czechoslovakia, etc. Also, for example, teachers and other school employees or employees of other educational institutions have to pledge that they will always work in the interest of the working class, will implement the policy of the Czechoslovak Communist Party, will bring children up or educate them in the spirit of Marxist-Leninist international views, etc. Otherwise, these jobs are not open to those who do not conform.

Members of the so-called free-lance professions (artists, etc.) are also discriminated against. When literary works or works in some specialized field are published, the manuscript must correspond to censorship requirements, and its author must also meet the screening requirements established by party and state organs. Other artists, too, face restrictions with regard to exhibiting and selling their works. They cannot sell them to organizations; organizations are permitted to buy art only from so-called "funds for creative art", and have the same cadre requirements towards artists when buying their works. The basic requirement for an artist is to be a member of one of the organizations controlled by the Communist Party, such as the Union of Writers, the Union of Creative Artists, etc., which accept as members only those artists who meet the cadre screening requirements.

The same restrictions that an applicant faces when seeking employment are standard procedure in establishments and institutions when advancement or reclassification in employment in Czechoslovakia are concerned.

Only knowledge of these facts, which cannot be found in any published legal ruling or court decision, can permit a correct evaluation of the true state of Czechoslovak implementation of Convention 111/1958 on discrimination in employment in Czechoslovakia.

Convention 111/1958 specifically prohibits discrimination, i.e. any discrimination on the basis of race, color, sex, religion, political views, national origin or social background, which would annul or endanger equal opportunities or treatment with regard to employment and profession and conditions of employment. Every state which is a party to Convention 111/1958 is obligated to provide equal opportunities for all citizens, as well as equal treatment in employment and in professions and to ensure that discrimination of any kind is eliminated.

The current Czechoslovak legal system does not provide any effective protection in cases of discrimination, specifically where there is discrimination because of religious or political views. What is even worse is that, on the contrary, some of the provisions in our legal system actually create a vacuum which our judicial organs implementing the policy of the Communist Party do not even try to fill.

Open letter to General V. Jaruzelski

May 27, 1985

In a few days the trial of Adam Michnik, Bogdan Lis and Wladyslaw Frazyniuk will begin in Gdansk. I wish to add my name to the many freedom-loving people in the world to ask you, together with them, to use your power to stop the trial and to release all other political prisoners in your country. I am asking this of you not only because Adam Michnik is my personal friend, with whose work I am familiar, but also because I know that he is a courageous man and patriot, who is a credit to his nation. I am also asking this of you because he is--just as his friends are--expressing the true will of Polish society. The same applies to all other Polish political prisoners.

As long as your government keeps imprisoning the spokespersons of Polish society, over and over again, and instead of starting a meaningful dialogue with them, the tensions and the deep societal antagonism will not, in my view, be removed and Poland will keep on suffering and revolting.

Vaclav Havel
Writer
Prague, May 27, 1985

The Tenth Anniversary of the Signing of the Helsinki Final Act

Document 19/85

July 23, 1985

Ten years ago, on August 1, 1975, the highest representatives of thirty-three European states, the United States of America and Canada signed the Final Act of the Conference on Security and Cooperation in Europe in Helsinki. They came to a conclusion--voiced also by the President of our Republic--that this presents a unique opportunity in European history to develop real conditions for peace, security and peaceful cooperation.

Helsinki offered to the nations of Europe--divided since the Second World War into hostile blocs which impoverish peoples' lives, deplete their resources and strength, endanger them with more destructive nuclear weapons through the arms race--another path and perspective, a way for collective security and peaceful cooperation. The Helsinki Conference did not represent dealings just between two blocs, but between thirty-five sovereign states with equal rights, states that are responsible for and accountable to their own people and to Europe for their decision which they sealed with their signature.

The principles and obligations contained in the Final Act stem from ideas already embodied in the Charter of the United Nations. However, because of the historical experiences of the states and nations of the European Continent, the Principles of the Helsinki Final Act have been better defined. They are: mutual respect for the sovereignty, equality and territorial integrity of all states; refraining from the threat or use of force in their mutual relations; non-interference; peaceful settlement of disputes; fulfillment in good faith of obligations under international law.

To these principles the Helsinki Document added equally valid principles of peace, security and cooperation: principles of respect for human rights and fundamental freedoms; the principle of self-determination and equality of nations, which stemmed from the European tradition reflecting the highest values of the political culture of European nations.

Thus the Helsinki Final Act incorporated both conditions for the indivisibility of peace and security: the external, where real peace and security cannot be founded on the "balance of fear which stems from threats of destruction from both sides; and the internal, where states will, while eliminating the violence of war, at the the same time respect human dignity and the rights of all individuals also residing within their own countries. This mutual dependence of internal and international peace and security in Europe was substantiated in the Final Act with a provision which grants not only to governments but to all individuals the right "to know their rights and obligations and to act upon their rights and duties in this field..." in the spirit of the United Nations Charter, the Universal Declaration of Human Rights, the International Covenants on human rights and other such agreements which became binding on all participating states.

Obligations stemming from the provisions of the Helsinki Final Act were stressed even more in the Madrid Concluding Document, which was accepted by all participating states as an interpretation of the Principles of the Helsinki Final Act. The Concluding Document specifically stressed the obligatory implementation of these rights in the legal systems as well as in practice by all participating states.

The Helsinki Final Act was signed as a document indicating a beginning of a new stage in the life of the nations of Europe and North America. The Final Act was to have initiated a process which, according to its Preamble, "...would expand, broaden and deepen the implementation of its Principles and obligations; would make it continuous, always viable, all encompassing and universal...."

Apart from the Principles, the Helsinki Final Act contains also a list of provisions agreed upon or suggested in general terms for future agreements and to be mutually worked out. During the follow-up Conferences in Belgrade and Madrid (1977-1978 and 1980-1983 respectively) further steps as well as a program for joint discussions of individual problems were agreed upon. This created a certain organizational and institutional diplomatic structure for this process.

Today, ten years later, European nations are justifiably asking to what extent their governments have taken advantage of what their highest representatives at Helsinki termed to be a unique historical opportunity. They are better able to see how the Helsinki Final Act is being violated by methods which contradict the process of the relaxation of tension. International dealings are dragged into the atmosphere of the peak of the cold war of the 1950's. The situation is more dangerous today because of advanced technology which can multiply the destruction of life in Europe and on the whole planet. In this atmosphere, influenced by wars led or being prepared outside of Europe and by increased proposals of the superpowers concerning armaments, the "Helsinki process" has slowed down, stopped or even received a push back. Discussions within its framework concerning non-compliance and violations of principles and obligations of the Helsinki Final Act are stagnating.

Therefore, the tenth anniversary of the signing of the Helsinki Final Act should not be an occasion for celebration but an occasion for a serious examination of the reasons why such a great historic chance is being missed. It should be used for finding ways to get the process begun at Helsinki to move forward again. This is, first of all, a task of high priority for state officials to act upon. This is also the responsibility of the European nations, their citizens and all others who are granted the right to "know and act" and who are invited to participate and be co-responsible by the Helsinki document.

In Czechoslovakia, this appeal is answered by the citizens' initiative Charter 77. In order to contribute to the efforts to bring about in our country full implementation of all provisions of the Helsinki Final Act in all aspects, including its Principles and obligations, Charter 77 has, since its birth, addressed the highest bodies of the Republic with concrete warnings, complaints and constructive proposals. The Charter's positive endeavors have been appreciated many times by representatives of other states, by participants at the Conferences in Belgrade and in Madrid, by the public abroad as well as by many Czechoslovak citizens. Its activity is in full accord with the spirit of the Madrid Concluding Document, expressed in the chapter on principles, paragraph 14, concerning "institutions, organizations and individuals" who "have a relevant and positive role to play in contributing to the achievement" of the Final Act in the area of human rights. It is not the fault of Charter 77 that its proposals were ignored by the appropriate organs and that our Republic was criticized for the state of affairs concerning the implementation of the provisions of the Final Act, in Belgrade, in Madrid and quite recently also in Ottawa.

Charter 77 is not going to be dissuaded either by having its proposals ignored or by police harassment and persecution, which is, in view of Czechoslovak international obligations, illegal. Charter 77 considers it its civic duty on the occasion of the tenth anniversary of the Helsinki Final Act to remind the government, members of the parliament and the general public of the serious responsibility for the implementation of the principles and obligations accepted by the signing of the Final Act and by agreeing to other documents of the Conference on Security and Cooperation in Europe. It is necessary for an honest and consistent participation in all steps which lead to the revival of the process of the conversion of Europe into an association of free, sovereign and equal nations, living in peace, security and cooperation while respecting the rights and duties and human dignity of every man.

Charter 77 is ready to undertake this responsibility for which it has worked together with friends from other citizens' initiatives and independent movements elsewhere in Europe.

Prague, July 23, 1985

Jiri Dienstbier Eva Kanturkova Petruska Sustrova
Charter 77 Spokespersons

cc: The President of the CSSR
The Federal Assembly of the CSSR
The Government of the CSSR
The Czechoslovak Committee for European Security

Statement on the Seventeenth Anniversary of August 21, 1968

Document No. 20/1985

August 20, 1985

Seventeen years ago, during the night of August 20th and morning of August 21st, 1968, the armies of five countries of the Warsaw Pact entered the territory of Czechoslovakia in order to stop the development of the democratic revival process in our country. A resolution of the Chair of the Central Committee of the Communist Party of Czechoslovakia (UV KSC) was adopted the same night against the will and without the knowledge of this body, of the President of the Republic, of the Government and of the National Assembly and in violation of the principles of International Law, including the provisions of the Warsaw Pact.

Since then, August 21st has been a traumatic anniversary in Czechoslovakia. Within two years of August 21st, 1968, the structure of society was completely destroyed and presumptions of any creative development were liquidated. Hundreds of thousands of possible participants in this event were fired from managerial and supervisory positions, except for forepersons and qualified workers in factories. The majority of artists, writers and journalists were deprived of the opportunity of working in their field; hundreds of books by Czech and Slovak authors as well as of literature from abroad were taken off the shelves in libraries and bookstores. Many films and certain newspaper volumes were taken out of circulation. Needed reforms in the economy and political system were stopped and society was forcibly thrown back into the climate of the first half of the 1950's, when no discussion was possible.

Positions of authority in the power infrastructure were filled with people who had often showed a lack of competence in their field and whose main and often only quality was the ability to unconditionally adapt themselves to the new conditions and to show unconditional obedience to power. They were joined by many who resigned themselves to the situation and who were permitted to join the ranks of the "confused." They were thus able to save their jobs and paychecks, even if they were left without any hope of influencing the situation at their places of employment. They were left powerless, with only some hope that the powers-that-be would not resort to political murders, miscarriages of justice and concentration camps for tens of thousands, as was the case in the latter part of the 1940's and the first part of the 1950's. Instead, they faced criminal prosecution of individuals, which made it impossible for many to work in their field, and the visible and terrorizing presence of police.

In the 1960's, Czechoslovak society strived for a democratic socialism with a human face reflecting the needs of modern development and the historical experiences of our nations. Now, Czechoslovakia is showing, through "normalization", some signs of feudalism. The functionaries are again untouchable. For example, bureaucratic excesses go to the extent that people residing in areas threatened by ecological disasters are not permitted to freely move out of those areas, to change employment or residence. The persecution of children for the past and current positions of their parents has been fully restored. Without an internal net of controls, a new governing nobility is emerging. Under these circumstances many talented people have already left the Republic or are planning to do so.

The result is stagnation and a growing backwardness not only in technology and economics, but in all spheres of social life; deterioration in culture and morale, including morality in employment; growing corruption and almost open pilfering of common property, even to the detriment of the ecology. The only social support the authorities have is the fact that it made possible mass escape into private consumerism, in which citizens are able, through their efforts--which are often illegal--to gain material comforts which the incompetent directorate is unable to secure.

Under the pressure created by the difficulties in supply and demand and in international trade and because of growing technological backwardness, part of the government apparatus is trying to solve the most obvious shortages. These efforts, however, are very difficult to put into practice. The bureaucratic power structure lacks the strength to penetrate the barrier of social backwardness, with which it has surrounded itself specifically against its own people. All citizens who still value certain things--even the youth--are forced to realize that the "basic rule" is "to not rock the boat" and that a prerequisite for any participation in public life that might be permitted by the powers-that-be is non-interference in the internal affairs of one's own society.

Whether August 21st was an international assistance against anti-socialist counter-revolution, or whether it was the suppression of the democratic development of socialism by conservative powers is shown by the results. The power structures, however, are still holding on to the most conservative prejudices, in the spirit of the "lessons learned from the development of the crisis" from which they derive their legitimacy. Fearing that even the smallest movement could bring about personnel changes, every correctional movement is blocked. This is also because every serious problem with which society has to struggle could, while being solved, recall those solutions formulated before August 21st. Even the term "reform" is "on the index" (is forbidden to use), even though the policy and public initiative of the 1960's had begun to solve--often successfully--exactly the same problems before which are confronting us today, but in a situation which is more complex and 20 years later.

If we today remember this fateful anniversary and its consequences, we do not do it in order to demand a reassessment of past events. What happened cannot be undone and we are leaving judgement to history.

However, when we think about the present and future, it seems to us that seventeen years of "stagnation" in this fast moving world is too long a time for us to permit ourselves to prolong it. The fact that a different policy is possible can be seen in the reform efforts taking place in neighboring countries with a similar political system. Some of these efforts remind us of experiences we had in Czechoslovakia in the 1960's. Even the leaderships in countries which suppressed the revival movement in 1968 openly proclaim the adoption of methods which are to make the economic and political system more resilient and make creative and active participation of citizens in the development of society possible. We cannot, for example, fail to mention that the people of the Soviet Union take a more lively interest in the new development in their country. They read or listen to speeches of Michael Gorbachev and compare his formulation with the deadly "stagnation" situation in Czechoslovakia. Those "in the know" can detect that Soviet speeches are being censored in our press. It is not possible to determine at this stage what direction the new policy will take. It is, however, possible to state that the people in Czechoslovakia are not as indifferent and apathetic about public affairs as is perceived. They are sensitive to these problems and recognize when political slogans of the governing bodies are filled with ideological camouflage and when things are being described with correct names.

August 21st remains the "neuralgic point" of Czechoslovak-Soviet relations. Even though we do not wish to succumb to great illusions, we wish to express a certain hope that the present social development in the Soviet Union can become a wider undertaking shared by a broader, democratic public. We are of the opinion that European problems, as specified in the "Prague Appeal" can be solved only through a long-term gradual overcoming of bloc barriers. August 21st itself was an expression of bloc thinking which won over principles of democratic relaxation of tensions. This, in turn, made it more difficult to reach agreement in Helsinki, where these principles were affirmed and eventually became a barrier to the implementation of these principles. Even if the argument about a "West German threat" (which was used as a reason in October 1968 for the agreement for a temporary rationing of Soviet troops in Czechoslovakia) lost its validity because of agreements entered into by the Federal Republic of Germany with its Eastern neighbors, the presence of Soviet troops in Czechoslovakia is today viewed by both blocs as a factual part of the military presence in Europe. The removal or withdrawal of these troops would be possible only by overcoming the bloc division of Europe. We are, therefore, proposing for consideration the question as to whether gradual reduction of the number of these troops, or their withdrawal, would not be seen as an exemplary unilateral step towards a military disengagement. The initiators of this step would gain sympathy even outside of Czechoslovakia, since it would lead to the substitutions of rigid bloc standpoints for concrete steps to a dynamic understanding of peaceful coexistence as a prerequisite for peace and cooperation.

It is possible to solve our internal crisis only with newly created and constantly strengthened democratic processes which have deep roots in our political culture, in the political culture of both nations as an organic part of their identity. This is not revenge for the wrong done to our nations and for the enormous losses and damage caused by past violence, but it is an understanding of the present and future needs of Czechoslovak society. No one will escape responsibility for the state of affairs and all persons will be judged not by what they stood for in the past but by what actions and stands they take now.

Prague, August 20, 1985

Jiri Dienstbier Eva Kanturkova Petruska Sustrova
Charter 77 Spokespersons

Charter 77 spokesperson Rudolf Battek is still in prison.

Writers and Charter 77 to The Budapest Forum

Document No. 24/85

September 25, 1985

After 1968, a long period of destruction of all significant values of the distinctive national culture began in Czechoslovakia, which, in many instances, reminded us of the 1950s, and, occasionally, even of something worse. This purposeful activity, for which there is no comparison in present-day Europe, is all the more conspicuous because it is happening during a time when the Soviet bloc countries have officially departed from Stalinism, during a time of political detente and, finally, during a time of the so-called "Helsinki process".

Many Czech and Slovak writers, living at home or abroad, as well as many foreign observers have pointed out this phenomenon which is actually a curiosity in present-day Europe. They have analyzed it and Charter 77 has concerned itself with several concrete aspects of it in several instances.

The Budapest Forum is a conference which is conducted as a result of the decision made by participants of the Helsinki Conference and which is oriented toward the sphere of culture. It presents us with a new opportunity to deal with this phenomenon.

The political apparatus which came into power in Czechoslovakia as a result of the intervention of the Warsaw Pact countries in 1968 initiated, shortly after assuming power, a policy of a systematic suppression of culture. For reasons which are unexplainable, and without the direct consent of the intervening states, it began to tear down all threads of spiritual continuity of the Czechs and Slovaks and to mercilessly suppress all cultural expression which even slightly deviated from its ideological demands and which might disturb its simplified and primitive view of the world. The consequences of this policy represent a frontal, life threatening, and dangerous attack on the spiritual, cultural and thus also national identity of Czechoslovak society.

Many have often stressed that this is some kind of a "government of forgetfullness." History is falsified and whole areas of historical happenings and events are concealed or distorted. The importance of numerous individuals is denied--if it is even permissible to talk about such personalities at all. It has been documented that thousands of scientists, artists, publicists and other persons who could creatively participate in the development of national culture under freer conditions have been either totally or partially denied the possibility to be active in their field. Many of them are persecuted for their past activities; many have been criminally prosecuted and imprisoned because of their work.

Thousands of books have been taken off of library and bookstore shelves by the authorities. Many textbooks and dictionaries have been ordered by the authorities to be re-written or destroyed. The showing of hundreds of films has been forbidden. Many times, all this has been done for absolutely worthless reasons. Anything that can be put across publicly is tied to a senseless web of bureaucratic permits. Almost everything that has any cultural value and that deserves our consumption has been fought for under difficult conditions. Many cultural institutions, from scientific establishments to universities and associations dealing with art, have been gradually completely paralyzed.

The creative potential of a society and its hunger for sovereign and authentic cultural values can never be completely eradicated through administrative orders or police actions. Even today in Czechoslovakia major works in various areas of spiritual life are being created which are appreciated by the public. However, in many areas they can be created only outside the official and permitted forum and are thus not available to the public at large. Important scientific or artistic texts created here are distributed in typed form, copied at great risk, or they are published in exile. Many cultural events are organized and made possible only in private homes or on semi-official territory--always subject to the danger of official or police intervention. Most of the more interesting works which were published officially were heavily censored against the will of the author. Natural stirrings of cultural life as the main process of self-reflection of the society and the natural and normal relations of creators with the public have been radically disrupted and thus have to be substituted with various artificial and inadequate arrangements.

Education in schools is completely subordinated to ideology. The schools are presenting a distorted picture of reality and are deforming the cultural awareness of the young generation.

However, it is not only these visible and well known methods that are used to undermine or make impossible the cultural self-realization of our nations. What we have to deal with are some of the more "refined" and more difficult to detect methods which are much more dangerous. The total bureaucratic restraint of society; the suppression of natural plurality and the variety of its structured interests; the creation of a state of "non-history" (history is substituted with an official plan of action); the strengthening of a general feeling of powerlessness, hopelessness, frustration and senselessness of every creative societal or citizen efforts and initiatives; and demoralization caused by this policy and the deepening feeling that life is gray and empty--all this naturally affects culture in a disastrous way. Culture is always the expression of the spirit of a society and the mirror of it's time.

It will be difficult to ascertain just how many talented people could not create something important--not just because their work was forbidden, but because it was never created. This depressed atmosphere smothered its embryo before it had time to develop into something. It will also be very difficult to find out what could have been accomplished by those scientists and artists who are active publicly, had they had a little more freedom to work in and had this depressed atmosphere not undermined catastrophically their creative possibilities beforehand.

Not all scientists or artists have the character or disposition to oppose this global pressure of conditions, to risk their existence and to enter into a permanent, open and pressing confrontation with the state and police apparatus. Why should a poet, painter, musician, historian, sociologist, philosopher or an essayist be at the same time also a fighter and a hero? Is there not something monstrous in conditions in which creative freedom, independence and finally a certain contact with public--even if only a very inadequate one--can be gained only by persons who do not hesitate to risk imprisonment? Is such a state of affairs, above all, an indictment of the conditions which created it?

We presume that the Budapest Forum will have or is able to obtain concrete documentation of the state of affairs to which we are trying only briefly to draw attention. It is a state of affairs which cannot be defended by any political arguments. In the very heart of Europe, the authorities are, on a broad front, attacking the very spiritual integrity and identity of two nations with a long cultural tradition. This attack is being waged by a government which signed the Helsinki Final Act, the International Covenants on human rights and other similar documents. Taking advantage of the Budapest Forum and drawing support from its authority, we want to remind the Czechoslovak government of its obligations stemming from these documents.

We are of the opinion that world culture is indivisible and that its free development should concern all people of good will.

Prague, September 25, 1985
Jiri Dienstbier   Eva Kanturkova   Petruska Sustrova
Charter 77 Spokespersons

Vaclav Cerny   Jaroslav Seifert   Vaclav Havel
Lominik Tatarka   Petr Kabes   Ludvik Vaculik
Karel Pecka

Jan Lopatka
Member of the Collective of Charter 77 Spokespersons

Space for the Yoanger Generation

Document No. 7/86

March 6, 1986

To the Federal Assembly of the CSSR
Vinohradska 1, Praha 1

On December 8, 1985, the anniversary of the death of John Lennon, young admirers of rock and folk music gathered at his symbolic grave on Kampa and filled the Charles Bridge. Some of them played the guitar and most joined in the singing. When ordered by a police officer to disband, a group of about one thousand went through the Staromestske namesti to Prikopy. From there they went to the National Theater, over Ujezd and Malostranske namesti to the Castle, where they were met by headlights from parked police cars.

The procession did not move through Prague silently. Slogans were called out, such as, "No missile is a peace missile!" "Give peace a chance!" "We want freedom!" "Disband the Army!" When they were near the Castle, some of them also sang national anthems.

When the young people were about to disband, someone had the idea of starting a petition against missiles. Thus, the following sentence was born on the wall near Kajetan: "We do not agree with the deployment of any number of nuclear weapons on either side of Europe." About 300 signatures were collected. The petition was sent to the President of the Republic, the Prime Minister, as well as the American and Soviet Embassies.

The security police, which had the procession under surveillance at all times, showed restraint. This was appreciated, because only one year before, on December 8, 1984, a similar gathering was disbanded with dogs and truncheons. Last year's demonstration also had some consequences. Several dozen participants were interrogated, one was detained and a house search was conducted at his apartment. Thus the evaluation of official actions will have tc wait.

In any case, this was an event which had no precedent in our capital in the last fifteen years. Because spontaneous demonstrations of workers, students and others did not, at first, get the attention of the media, this event deserves our special attention. Together with the birth--especially in small towns--of informal gatherings which were motivated by religion, ecology or, perhaps, love of new music, the December procession through Prague signalled the interest of our young generation for things which rise above personal needs. It is an appeal to all of us. We are certain that we are not going to be the only ones who will try to decipher the message. The following thoughts and suggestions are, therefore, presented with the hope that the public will show understanding and will see them as a starting point.

I.

Young people want to live their lives as stories which they chose and create theirselves. Yet this contains an illusion because the spaces in which their stories will be played have been created by others before them. Despite this, their wishes have justification because through every human life, through every generation, the world is beginning anew.

They will soon discover, however, that someone else has already written a scenario for their lives. Someone powerful and anonymous, who did not and does not intend to discuss it with them. Thus, instead of stories there will be pushing, regimentation, screening and classifying, just like a part travelling on a conductor belt to a place where it drops into a case. There are many things young people do not like and would like to ask about; however, they are told at home and at work, "Do not meddle in this!" Young people also think and would like to think out loud. However, they are told that everything has already been thought through for years to come by some "classics". Some young people are enterprising and would like to undertake a business of their own. Yet, they are quickly told that the enterprise is not for enterprising but to fulfill the indicator. Young people like to associate and would, perhaps, even establish a new club; the problem is that the system already has its prefabricated clubs and thus the supply of associations has been exhausted. There is really little that has been left for young people to assert themselves and love, except maybe sports and walks outdoors.

Naturally, no one is a product of circumstances per se. Stronger characters are able, even in this situation, to find their own way. We cannot, however, forget the dozens and hundreds of those who are weaker, and who are killing the emptiness in their lives in pubs, drinking beer, or with drugs, who are destroying themselves just as pitifully as an angry young person who destroys everything in a telephone booth.

Only when we take into consideration this background and the background of artificially created cultural needs can we understand what it means for young people to meet a musical trend which is able to express the special rugged and, at the same time, sensitive feeling of a generation growing up in the shadow of nuclear weapons. Musical groups--to whose concerts it was necessary to travel even hundreds of kilometers at times--had some outlandish names. But the concerts and the music were able to express something which shocked its listeners. There exists, therefore, also a feeling of gratitude and understanding which is difficult to describe.

Except for shouting at sports stadiums, our country is relatively silent. People are stubbornly silent in public transportation vehicles and at various meetings. Silence equals even the ritual repetition of wornout words and phrases, which no one listens to. In such hushed moments thinking singers are placed into situations which they did not create. They not only become singers but also poets, preachers, and spokespersons. Their songs are followed with attention, as well as with a released chuckle and thunderous applause. Guardians of the monopoly of the younger generations' education feel endangered and demand action against this unfair competition. That, in the end, happens.

Following the unqualified article in Tribuna in March, 1983, the liquidation began. Some groups stopped performing, because their sponsors, due to pressure from the authorities, did not want to sponsor them anymore. One popular singer was tried for alleged parasitism and stealing; another singer became the victim of ill will, because he ridiculed the bureaucracy in heaven and the bureaucracy on earth felt that this applied to itself. It is true that as time went on the liquidation fever subsided and that some musicians who were temporarily disqualified were able again to perform. This does not mean, however, that the bureaucratic pressure stopped. In the small towns in the country, the persecution of rock and folk music continues unchecked. In cultural centers the issuance of permits is undergoing changes for the worse. There are even grotesque situations, such as when a 20-year-old musician had to argue about his songs with a commission of aged non-experts, who did not at all understand his feeling about life. Refusals are delivered orally through sponsors or producers--nothing is in writing.

The situation became complicated when the Union of Musicians was dissolved by order of the Ministry of Interior of the CSR on October 22, 1984. The existence of the Jazz Section was thus put in doubt. The Jazz Section has about seven thousand members with about twelve thousand members interested in new music. Specifically, the Jazz Section became the subject of persecution, including house and office searches of its functionaries. An independent musical activity which was not considered by its members as something "political" became "politics" almost overnight. Tens of thousands of young people took the persecution of their clubs, bands and singers as a personal affront. The problem crossed the borders of the Republic and this repression was discussed last year at the Cultural Forum in Budapest. Also Prague witnessed in 1983, 1984, and 1985 three demonstrations of young people. These were a warning reflecting of a cultural policy carried out with a stick.

Our suggestion is simple: cancel the narrow-minded ban on new music. Let the bands play and the singers sing. Cancel the ban on the Jazz Section and the Section of Young Music.

II

The desire of every young person is to see the world. During the Austrian Monarchy it was possible to go abroad to try one's luck after finishing one's apprenticeship. This need is acute even today. It is said that the younger generation should be educated and capable of managing technical and scientific demands of the third industrial revolution. How can this be achieved when young people cannot gain direct experience in countries where this development is more advanced and return home with it? It is said--and one can hear this from the most official places--that Europe is our common house. What good is it when this house is closed, when there is no transit through it and its tenants cannot visit one another? How can one create a sense of trust and togetherness when nations are artificially separated from other nations?

Jaroslav Seifert, in a poem honoring Vladimir Holan, used the expression, "the confounded 'voliere' of Bohemia." "Voliere" is a cage where birds can fly up and around, but cannot fly away. It is said that the young generation of today has all the possibilities of free flying and on television screens can even travel into space. Young Czechoslovaks, however, do not have such extravagant dreams. They would like to be able to go for a visit to neighboring Vienna. But they may, in the process, convince themselves that a trip into space might be easier. They are envious of all the young people in Western Europe who can travel from one country to another without all the permits, exit visas, etc. Even a trip around the world is not impossible for the Westerners to undertake. It is said that young Czechoslovaks have too many illusions about the life west of our borders. Perhaps, but nothing is easier for them to learn about first hand than life and, perhaps, lose some of those illusions. The good experiences they would bring back from their encounters abroad would benefit their own country. This is how experiences have been transmitted for generations. Countries that had isolated themselves became rigid and fell into catastrophic backwardness.

Our suggestion again is simple: make it possible for young people to travel. Because we can anticipate objections of a practical nature (e.g., not enough foreign exchange), we would like to make the whole process much easier.

We are going to turn to our friends in Western Europe. We have in mind, for example, those who want a peaceful Europe, without destructive weapons. We are asking them to think about the creation or establishment of a fund which would finance vacation camps where young people from both parts of the European house could meet, such as meetings of musicians, singers, young ecologists and environmentalists, students of a European language, etc. Others could be meetings of young people from the same industry, or young people interested in agriculture, or those who have an interest in specific problems, either institutional or social.

This action, could be titled, "Young Europe is Getting Acquainted" and would be a modest beginning of a deeper process of bringing down the barriers.

III.

"Disband the Army" was the slogan heard in the December demonstration. Even in the sixties we used to have demonstrations and manifestations of the young, where many requests were brought up which did not please the government. But we have never heard this kind of slogan. It is evident that there has been some change in people's thinking.

The Army is not really popular anywhere in Europe. Expensive military parades to review war technology are disliked everywhere. We have come to a controversial phenomenon: when one looks at the parading missiles, one gets not a feeling of more security but, on the contrary, a feeling of more danger. One knows that even where only one missile is installed it is a target for missiles of the adversary. Ordinary people feel like they are in a trap.

In Czechoslovakia the feeling is stronger because there are two armies in such a small space. In some areas where one turns, there is a military base. It is not surprising that citizens feel that one army would be enough; it would be cheaper and more democratic. Most young people feel that service in the army is a waste of time. They are of the same opinion as were the demonstrators in Prague.

Therefore, we are making a suggestion which would at least partially meet the desire of young people and which should not create any objections from professional military circles. The experience of our neighbors, the German Democratic Republic and West Germany, shows that it is entirely sufficient for a recruit to be properly trained in 18 months. We suggest shortening the military service from 24 to 18 months.

Our neighbors, the German Democratic Republic and Hungary, can serve as another example in this matter: in both countries the authorities respect the fact that some young people cannot serve in the armed forces because of their religion or conscience. The German Democratic Republic has established a special type of service for such young people.

In Czechoslovakia, too, there are these moral conflicts with regard to service in the army which are suppressed with force and can result even in suicides or despair. We are also suggesting the creation in our country of a special substitute service for those recruits whose religion or conscience forbid them to train to kill people.

Society could very well use this service without weapons in saving forests and the environment, as well as in the care for the elderly or handicapped.

If we had both such services in our country, the Czechoslovak economy would gain and so would the Czechoslovak Treasury. The younger generation and the European public would accept it as an act of good will. If, as a result of this arrangement, the Army is reduced, then this could successfully be used in Vienna in talks concerning the reduction of armies of both Alliances.

IV.

We are assured--and even the Constitution says it--that education, instruction and upbringing in our country is directed with the needs of science in mind. This, then, should be a path marked by critical questions, truthfulness and respect for different points of view. However, young people do not view education in accordance with what it says about itself, but by how it performs. They rebel when they are presented, on a scientific plate, with ready-made solutions about which they cannot think or discuss.

On December 21st, 1985, the Czech media published a communique from a meeting of Secretaries of Central Committees of communist and workers parties in Bucharest, on international ideological questions. This communique also was signed by three Secretaries of the Central Committee of the Czechoslovak Communist Party. The communique stresses, among other things, that young people should be brought up in the "spirit of limitless devotion to their party and country." We do not mean to belittle this resolve. We feel, however, that "limitless devotion" can only be shown by Friday to Robinson, not by a citizen towards something so changeable and subject to so many human errors, as is any political party. Limitless devotion is a blind devotion and this is in contradiction with a demand for education and upbringing in a scientific, therefore critical, spirit.

Every conviction should be arrived at through the process of growing up, ripening. If the result is to be truthful, so the path to it also has to be truthful. People who are growing up crave fair play. They dislike it when they see how false convictions are rewarded with advancement at school and work. Whoever dares to have a different opinion or is too principled to deny it, is punished. Is this scientific education? Is it not clear that a conviction, accepted for a bribe, is a "bribed conviction?"

Finally, we are of the opinion that it is not right when it is propagated under the pretense of scientific education that religious persons are less bright than persons who do not share that religious experience. Albert Einstein wrote in his essay, How I See the World, "[t]he most rewarding experience we can have, is a secret. It is a basic feeling, which stands at the cradle of real science. Who does not know it and who is unable to wonder and to be amazed, is actually dead and his eye is extinct." Einstein calls this relationship to an infinite being as worship. We are asking, was Einstein a person who was not scientifically enlightened? Could he, according to rules in this country, lecture in a Czechoslovak school of higher learning?

All people have a need to reach above themselves. Individuals, said Einstein, regard individual being as some type of a prison and try to gain more experiences for a deeper meaning of life. This interpretation is and will continue to be disputed. If we can give advice to our young people then we would like to tell them not to be discouraged by these differences. People are not divided because of their religion, but by their relationship towards nature, the universe, towards openness--and/or if they "butter up" to some temporary and very often intolerant idol.

In closing we state that it is in contradiction with a real enlightened education to either compensate or discriminate against people for their beliefs. The only measure that should be used for advancement in school and in employment is knowledge and ability and character. If it is true that every new human being is a new beginning, then we have to recognize the right to look at the world with open eyes.

Prague, March 6, 1986
Martin Palous Anna Sabatova Jan Stern
Charter 77 Spokespersons

Registered cc: The Government of the CSSR
The Daily, Mlada Fronta
The Magazine, Young World

The Federal Assembly of the CSSR

Document No. 9/86

March 18, 1986

On March 23, 1986 it will be ten years since the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights have come into effect in Czechoslovakia, having been approved by all the proper authorities. These legal norms guarantee, among other things, that no individuals are to be subjected to arbitrary interference in their private lives, their families, homes or correspondence (Article 17 of the first Covenant); that everyone shall have the right to freedom of thought, conscience and religion (Article 18 of the first Covenant); that everyone has the right to freedom of expression, i.e., freedom to seek, receive and impart information and ideas, regardless of frontiers, orally, in writing or in print, according to one's choice (Article 19 of the first Covenant); the right to peaceful assembly is recognized (Article 21 of the first Covenant); the right to freedom of association with others, including the right to form and join trade unions for the protection of one's interests (Article 22 of the first Covenant); the right of everyone to education (Article 13 of the second Covenant); the right to take part in cultural life and the right to the benefits of scientific progress and its application (Article 15 of the second Covenant).

After the acceptance and ratification of both Covenants, it is necessary to view all their provisions as making more accurate and precise Article 19 to 33 of the Constitution of the CSSR, namely: advancement in the interest of every citizen in accordance with the advancement of the interest of the society (Article 19); equality among citizens (Article 20); the right to work and compensation (Article 21); the right to rest (Article 22); the right to health protection (Article 23); the right to education (Article 24); the right to the protection of family health (Article 26); equality of women (Article 27); freedom of expression and assembly (Article 28); the right to petition (Article 29); inviolability of person (Article 30); inviolability of home and correspondence and freedom of residence (Article 31) and the right to asylum (Article 33).

The full text of both accepted Covenants was published in the Collection of Laws of the CSSR on October 13, 1976 as Law 120/76 Sb. Every citizen of Czechoslovakia was thus granted the right to take advantage of all these ratified freedoms and to demand full compliance by the authorities.

Ten years after their acceptance and ratification, it is necessary, however, to state that a number of the Covenants' articles were in fact implemented either very ineffectively or not at all as far as our country is concerned, and many of them were not respected very much by the powers-that-be.

Our country has avoided monitoring the implementation of obligations stemming from these Covenants by not accepting the so-called "Optional Protocol," which establishes a monitoring body, the Human Rights Committee. Authorities in our country further did not adopt the necessary juridical steps, in accordance with Item 2, Article 2, Part II of the first Covenant which obligates every signatory state to implement the rights recognized in the Covenants by eventual legislative amendments. Thus, there still exists today serious discrepancies between the texts of individual articles of the Covenants and the texts of previously adopted laws or even new laws, rules and public notices adopted by the Czechoslovak government.

Charter 77 Document No. 7/85 analyzed in detail the state of the Czechoslovak legal system and offered suggestions with regard to amendments to existing laws. For illustration we would like to cite one example where, in our opinion, the discrepancy between the text of the Covenant and the reality of the Czechoslovak law is very obvious. Article 12 of the first Covenant unambiguously states that everyone has the right to freely leave any country including one's own. This problem was analyzed in detail in Charter 77's document "Freedom to Travel Abroad," dated March 26, 1979.

If we closely look at how the Czechoslovak authorities understand the meaning of the declared right of everyone to travel freely, including from one country to another, and how they implement it in practice, we find that this right is viewed more or less as a privilege rather than a legal right. In order to "freely travel," according to existing rules it is necessary to have an exit permit. The decision as to who will or will not get this exit permit rests entirely with the authorities. A citizen has no recourse if an exit permit is refused. To appeal that decision, however, it is necessary to appeal to the same authorities who made the decision; they are the only ones authorized to decide whether the traveling of a citizen abroad is, or is not, "...in harmony with the interests of the CSSR State..." The fact is that anyone can be, through some administrative decision, without a court decision and without being accused of anything, deprived of this right to freely travel abroad--a right which was ratified by the authorities. One can be deprived of this right for any length of time the authorities see fit, without being informed of the reasons for the refusal and without being able to defend one's self. And this is not all: the interpretation to paragraph

109 of the Penal Code states, that "...staying abroad without permission is to be understood that the offender is staying abroad without permission even after the expiration of ties, or if the offender travels to another country than the one to which the offender received permission to travel..." This means that it is in the power of the authorities not only to decide as to who can or cannot cross the border, but also to specify the time limit of a stay abroad and the place abroad where a citizen may go.

In this situation when the right to travel is at variance with the accepted Covenants and is as curtailed as it is, then even the provisions of paragraph 109 of the Penal Code, which punishes leaving of the Republic "without permission" by "the loss of freedom from six months to five years or by corrective measures or by the forfeiture of property," must be seen in a different light. Citizens who would like to take advantage of their rights in accordance with Article 12 of the Covenant on Civil and Political Rights, which is a part of our legal system, are threatened with strict punishment. If the interpretation of the provisions of paragraph 109 claims that it is not at variance with Article 12 of the first Covenant and if it refers to certain limitations which the Covenant permits (protecting national security, public order or morality, or the rights of others), then it puts into doubt not only the sense of this Article, but also the spirit of the Covenant itself.

Similar problematical interpretations may be noted in the current practice with regard to the Czechoslovak legal system in all the other articles of both Covenants. However, the past ten years since the Covenants were adopted into the Czechoslovak legal system were not only ten years of violations and disrespect on the part of the authorities, but also ten years of citizens' initiatives and efforts with regard to their implementation and compliance. It may be said that since these Covenants became a part of the Czechoslovak legal system, respect for human rights in our society has increased. If the political powers energetically implement those laws which make it easier to govern, then it is up to the citizens themselves to defend those laws which the powers-that-be ignore for one reason or another and especially those laws which confirm and define the rights of the citizens. The citizens must remind those in power that they--and specifically they--are obligated to respect the laws if the government is not to degenerate into despotism.

Under no circumstances is such a citizens' initiative "anti-social," or "anti-state," as one occasionally hears. The Czechoslovak State is not, after all, identifiable with the bureaucratic power structure or political representation which happens to be in power at that time but it is, as stated in its Constitution, "...a common state of Czechs and Slovaks" (and other nationalities); it is a Republic. In other words, it is a common, shared and public concern. Therefore, the activity of citizens striving for the implementation of laws, claiming their lawful rights and openly requesting their part with regard to responsibility for this "common concern" benefits the society and the state.

If the State feels threatened by such activities and persecutes citizens who are engaged in such activities and sees itself only as a tool of power and purposeful, even violent manipulation, then it is betraying its mission. The purpose of a state which defines itself as a republic, i.e. something that is common and public, is to create a place for a human society under a government of laws in citizens' communities. These laws should not only regulate and make possible the complex course of a society which is governed by so many different and often antagonistic interests, but should, above all, be a guarantee of its freedom. They should be an expression of what this society honors and respects: something more than an instantaneous benefit for those who happen to be in power at a given time. They should signify that it is based on a moral foundation.

Charter 77, which accepted the care for civil and human rights as its basic task, will in the future remain faithful to its almost ten-year-old tradition. It will bring to the attention of the authorities the public laws which are overlooked by the state power. It will continue to monitor the implementation of laws and will call for corrective measures in cases where laws are being violated. It will express solidarity and will render assistance, according to its ability, to all those who become the victims of illegal persecution. We do not only consider these efforts as an internal matter of our country, but as a contribution to the general implementation and honoring of obligations. The increase in confidence in partnership, bound by agreement, may help decrease tensions among states. Human rights are of a universal nature and Charter 77 demonstrated its understanding of their universality by adopting the spirit of Helsinki, by accepting both International Covenants and the Universal Declaration of Human Rights and other documents which concern themselves with violations of these rights in Czechoslovakia in particular, as well as elsewhere in the world.

Charter 77 is convinced that its efforts concerning the implementation of laws, the observance of rights and the limitation of arbitrariness reflect the interest and wishes of the absolute majority of our citizens. Therefore, we hope that our citizens will remember the anniversary of the adoption of the two Covenants into the Czechoslovak legal system not only as a special event of the past, but also as a live appeal to spontaneously and without fear take their legally guaranteed rights.

Prague, March 18, 1986
Martin Palous   Anna Sabatova   Jan Stern
Charter 77 Spokespersons

Letter on the Chernobyl Disaster

Document No. 15/86

May 6, 1986

To the Government of the CSSR
To the Federal Assembly of the CSSR

At the end of April, a nuclear disaster occurred in the Ukrainian city of Chernobyl. Radioactive particles penetrated the atmosphere. This is the biggest catastrophe in a nuclear power station that has ever occurred.

The first information about this was issued by the Soviet authorities only after a radioactive cloud was detected over Sweden and the Swedes began to get interested in where the wind blows, figuratively and literally speaking. Since then, in most of the European countries a higher degree of radioactivity has been measured. Governments of most of the threatened countries issued information on a continuous basis as to the degree of radioactivity measured and advised their citizens what to do. Pregnant women and children were advised not to go outside during the critical days; children were given iodine tablets; the sale of food which might have been contaminated was limited or forbidden. In West Germany and elsewhere the citizens were warned against using fresh milk.

The Czechoslovak government issued a communique on Wednesday, April 30, 1986, that measurements of radioactivity were being taken on a continuous basis on the territory of the CSSR, and that during that time no increase in radioactivity was detected.

Then there was a five-day interval. Not until the 5th of

May, 1986 did the CTK (Czechoslovak News Agency) state that there was a slight increase in radioactivity. This was all the official information the citizens of Czechoslovakia were given about the situation on their territory during this most critical time. There were no instructions or advice as to what citizens should do as far as health and hygiene are concerned. Small wonder that many citizens then followed advice given on the radio and television in neighboring countries.

Because the right to life and health are among the basic human rights, we demand, that you make public all the available data as soon as possible regarding if and to what extent there was detectable increased radioactivity on the days of the critical period of time on the territory of the Republic. Especially important are the unembellished opinions of experts, who should tell the public what risks still threaten us and what measures are necessary to take immediately and in the future.

We demand, at the same time, that the government of the CSSR request from the Soviet government all necessary information about the nature of the catastrophe, to inform the public about it and to state what practical lessons will be taken from the Chernobyl catastrophe, particularly with regard to the safe operation of our own nuclear power stations. Given the density of population, a similar catastrophe in Central Europe would have even more disastrous consequences. In cases of radioactive danger, borders are of no consequence and we have to protect ourselves collectively.

Prague, May 6, 1986
Martin Palous   Anna Sabatova   Jan Stern
Charter 77 Spokespersons

The Right to Vote

Document No. 16/86

May 13, 1986

To the Federal Assembly of the CSSR

On May 23rd and 24th, 1986, elections will be held in Czechoslovakia for the representative bodies on all levels. On April 11, 1986 the Central Committees of the KSC and the National Front of the CSSR said, "[a] responsible task is awaiting us with regard to the selection of candidates for deputies. The period of time in which an ordinary citizen has, in theory, a chance of influencing the selection of candidates, is short, not quite six weeks." In a speech delivered by the Prime Minister, he made this appeal: "We want to enforce an atmosphere of search and rational effort; to give a voice to criticism and self-criticism and to stand up against empty slogans and ostentatiousness." The Prime Minister, in this connection, asked the partners in the KSC and in the National Front "...to make an effort to search together with us and to be a participant in the improvement of the political system. We will welcome every well-considered proposal."

We have read very carefully discussions on the speech. However, we did not find in the contribution of the KSC and the National Front any such well-considered proposals.

Charter 77 is not a political party or an organization. We are a citizens' initiative, monitoring the implementation of human and civil rights. That is why we feel it is our duty to take advantage of this appeal and to join in the discussion with a suggestion concerning the implementation of the right to vote. The right to vote, implemented through universal, straight, direct and secret ballot, is an important citizen's right. Yes, a right, not a duty, as is sometimes surmised. Whole generations have fought in our country for its unretrenched realization. Much depends on how it is realized in practice. Elections are not just a referendum in the sense of saying "yes" or "no." They must enable citizens, through their vote, to make a choice among the suggested candidates; or make it possible for them, before the elections, to enlarge the list of candidates they themselves would suggest. Such a process is, to a certain extent, used by our Hungarian neighbors. At least two candidates are proposed for every representative's seat and the voters have the opportunity to add to the slate during meetings before the elections.

This is an adjustment which, in and of itself, does not mean a change in the system. With regard to current practice, it does have, at least, the advantage of making candidates aware of the fact that they may or may not be elected. This forces the candidates to adopt a certain thinking process. It would make them aware that they do not owe their selection only to those "above," who placed their name on the slate, but also to the citizens of the district whom they represent.

We would, therefore, like to submit for consideration, whether the above mentioned adjustment would not also benefit the Czechoslovak election system. The coming May elections will run the usual way. The next elections, however, could be run under an amended and more democratic election law.

Prague, May 13, 1986
Martin Palous   Anna Sabatova   Jan Stern
Charter 77 Spokespersons

To the Bern Meeting on Human Contacts of the CSCE

May 21, 1986

Distinguished Conference:

We would like to inform you about some of the obstacles that are placed in the way of human contacts, in the way of exchanging information and in the way of meeting relatives in Czechoslovakia. First of all, there is surveillance of Czechoslovak citizens during the stay of foreign visitors in Czechoslovakia. During the more important political visits to Czechoslovakia or during important functions when it is surmised that a visiting dignitary or journalist could meet with representatives of the citizens' initiative, some Charter 77 signatories are assigned permanent surveillance to which they are subjected day and night, everywhere they go. The surveilling officers work in shifts. They see to it that the foreign visitor does not meet with the person who is being surveilled.

On March 26, 1986 the security police, for example, prevented a meeting between Charter 77 spokesperson Anna Sabatova and a member of Parliament from Holland. Members of the security police used physical force to achieve that end.

Surveillance was used during the visits of the Foreign Minister of West Germany, Mr. Genscher and the Austrian President, Mr. Kirschlager; during the funeral of Jaroslav Seifert; and during the 17th Congress of the Communist Party of Czechoslovakia in March, when the surveillance lasted a full week. Foreign journalists who attended the Congress were warned not to meet with so-called "undesirable" persons. The

BBC Correspondent was especially reminded that if he expressed interest in such people his accreditation could be cancelled.

This is the way an atmosphere of fear is created. Czechoslovak citizens who see ostentatiously carried out surveillance of their critically thinking fellow citizens take it as a warning for themselves not to have contacts with so-called problematical journalists or other so-called problematical persons. Foreign journalists fear that they would be expelled as "undesirable persons" and that they would not be able to work as journalists in this country.

Another question is the risk of providing information. These fears are based on the fact that even an innocent piece of information--even about something that is generally known--provided to a foreign journalist may be construed as divulging state secrets. This is because a large number of social, political, economic and ecological facts, never specifically defined, are considered secret. Keeping things secret has become one of the principles of official life. Those who provide information--including foreign journalists--succumb to various fears and thus also to self-censorship. Because the line or limit between what is and is not secret is unknown publicly, the citizens opt for not talking with journalists at all. If such information is of critical nature, a Czechoslovak citizen who might provide such information faces criminal prosecution for damaging the interests of the Republic abroad. It is even more risky when someone sends such critical information abroad.

This can be testified to by the case of Jiri Wolf, who is serving a six-year prison sentence because he tried to publish abroad a report on conditions in the Minkovice Prison.

Several days ago, on April 28, 1986, the regional court in Ceske Budejovice convicted 44-year-old forestry worker Jaroslav Svestka for writing an essay entitled "Orwell's Year" in which he tried to confront Orwell's fiction with facts as he himself experienced them in 1984. He tried to send part of his diary to a friend in West Germany. Now the court has sentenced him for this so-called subversive activity to two years imprisonment and to three years of protective supervision (surveillance) after he serves his sentence. When the sentence was meted out, he was handcuffed and taken out of the courtroom for detention.

Then we have in Czechoslovakia unsolved cases of families who are separated by borders but would like to re-unite. These cases have been around for a long time. More frequent are cases where Czechoslovak authorities prevent visits of close relatives because the Czechoslovak citizen living abroad has not yet gone through the process of so-called "adjustment of one's relationship with the Czechoslovak state," i.e. did not pay the requested fee which would make it possible to be "released" from Czechoslovak citizenship.

We would like to bring your attention to one case which speaks for all. In 1982, when it was not known that Stanislav Devaty signed Charter 77, the court in Gottwaldov dealt with his application for divorce from his wife, who resides in the United States without the permission of Czechoslovak authorities. Their little daughter, whom Stanislav Devaty loves very much, is also in the USA. Despite all this, Stanislav Devaty proposed that the court give custody of the child to the mother. However, the Court, obviously for political reasons, gave custody to Stanislav Devaty.

During 1984 and 1985 Stanislav Devaty has requested permission several times to visit his daughter. This was always refused. This refusal is also politically motivated. This time it reflects distrust of Stanislav Devaty, because, in the meantime, it has become known that he signed Charter 77.

All the circumstances described above create an atmosphere of a closed society. State borders are becoming not only an obstacle to contacts between a brother and a sister, between parents and children; they are also becoming a barrier to the free flow of important social, economic, cultural and technical information. Without the free exchange of such information, the development of human contacts, in the spirit and sense of the Helsinki Accords, cannot be realized.

The situation can be made more graphic by the fact that in Prague, which used to be a busy center of culture and journalism, there exists only one Western press agency, which has one permanent foreign journalist--the AFP (Agence France Presse). There is also a permanent journalist accredited here for the television of West Germany.

In closing we would like to state that we have been repeatedly bringing these facts to the attention of the Czechoslovak authorities, either through Charter 77 documents or through letters by individual Charter 77 signatories, or through VONS communiques which are sent to the Federal Assembly of the CSSR. Unfortunately, no marked change for the better had been noted with regard to these problems.

May 21, 1986

Martin Palous Anna Sabatova Jan Stern

Charter 77 Spokespersons

Encl.: Data relating to the issues cited in the document*

*Editor's Note: This material is not reproduced here.

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Translator's Note: A French translation of the above document was delivered to all delegations to the CSCE Conference on Human Contacts in Bern, Switzerland, as well as to all Embassies of the participating states and to the press. This was accomplished through the Committee for the Support of Charter 77, based in Paris, France. The document was delivered on May 21, 1986.

Transcribed from a tape sent by Ivan Medek, member of VONS, in Vienna, Austria.

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International Covenant on Civil and Political Rights

Document No. 18/86

June 19, 1986

To the Government of the CSSR
To the Federal Assembly

According to a United Nations Information Center report, dated April 15, 1986, No. UNIS-1071, the report presented by the Czechoslovak Government on the implementation of and respect for civil and political rights is to be dealt with during the session of the Human Rights Committee, which is to take place in Geneva from July 7th to July 25th, 1986. The Committee, as is known, was established in 1976 after the International Covenant on Civil and Political Rights came into effect, in accordance with Article 28 of the Covenant which gave it authority in accordance with Article 40 to review reports on respecting the Covenant in individual states which are signatories of the said Covenant.

Ratification of the Covenant by Czechoslovak constitutional organs made the provisions of the Covenant a part of our legal system, which was confirmed by its publication in the Collection of Laws No. 120/1976. As is generally recognized, the validity and the implementation of the legal norms of human rights are the basis for a real democratic state system and regime. The obligation to implement all the principles of the Covenant stems from the provision of Article 17 of the Constitution of the CSSR, concerning the duty of all citizens, as well as all state and societal organizations to be governed by the legal system and to see to it that socialist laws are implemented in the life of the society. We are, therefore, of the opinion, that the report on the implementation of the provisions of the Covenant in our country should be made public, to enable all our citizens to judge its content as well as remarks which, in accordance with paragraph 4 of Article 40 of the Covenant, the Committee will attach to the report.

To make the Report public is justified by the fact that the highest organs of the CSSR confirmed their obligation with their signature on the Helsinki Final Act of the Conference on Security and Cooperation in Europe, on August 1, 1975. This important international document proclaims the respect of human rights and fundamental freedoms contained in the Covenant and in other agreements and Covenants, as "an essential factor of peace, justice and well-being..." They also accepted the inference or conclusion stemming from this provision that the observance of human rights and freedoms of all citizens, in the spirit and according to the provisions of the Covenant, is necessary as one of the criteria of a real policy of peace and as a substantial contribution to the securing of peaceful coexistence and cooperation in Europe. This only strengthens the requirement that the public be informed about the implementation of this Covenant.

On this occasion, after ten years of being a part of our legal system, the effectiveness of this Covenant in our country is being reviewed by an international organ. We feel it is necessary to draw attention to the necessity of securing in Czechoslovakia the full implementation of all of the provisions of the Covenant.

1. The participating states are already obligated to amend their laws and their administrative and juridical practices to conform to rights and freedoms defined by the

Covenant in Article 2 as well as of the Madrid Concluding Document, which were fully accepted by the highest organs of the CSSR on September 23, 1983. Charter 77 has, on several occasions, pointed out the necessity of abiding by this obligation in our country--the last time in its comments on the outcome of the deliberations in Madrid in 1983.

2. During the discussions concerning the Report of the Human Rights Committee, the provisions of Article 41 of the Covenant should particularly be borne in mind. These provisions deal with the possibility of one participating state bringing up violations of the provisions of the Covenant by another state. Thus our Republic would ensure for itself the possibility of functioning actively on an international scale with regard to the respect for civil rights, the implementation of which is an important factor for trust among nations. Especially after the appeal of the Madrid Concluding Document which enjoined all participating states to accept the Covenants on human rights, such securing of the validity of the Covenant in all of its provisions would represent, in our case, a positive contribution to the process begun in Helsinki.

3. The Helsinki Final Act recognizes specifically the right of all individuals to know their rights and act in accordance with those rights. This provision was confirmed by the Madrid Concluding Document in paragraph 9 of the chapter on principles. The consequence of this recognition should be for Czechoslovakia to accede to the Optional Protocol, which is an addendum to the Covenant on Civil and Political Rights and which recognizes the authority of the Human Rights Committee to accept and to deal with information and complaints of citizens pertaining to the implementation of the provisions of the Covenant in their countries.

4. The Madrid Concluding Document--paragraph 14 of the same chapter--recognizes, that not only governments but also institutions, organizations as well as individual citizens, have an important and positive role in monitoring the goals specified in the Helsinki Final Act in the area of human rights. This recognition, confirmed by the acceptance of the document by the highest bodies of our Republic, requires the recognition of and the respect for citizens' initiatives which were established precisely to monitor the goals specified in these important international agreements. Thus far, such recognition has not been given by our state bodies to Charter 77, which represents such a citizens' initiative. Almost ten years of its activity testifies fully to the fact that it is active in accordance with our legal system and that it is actively trying to contribute to the fulfillment of obligations stemming from the International Covenants and accepted by our highest bodies in connection with the pursuit of securing peace. It is, therefore, high time for the bodies subordinated to the authority of the government and the control of the Federal Assembly to stop their senseless harassment, persecution and annoyance of participants in this citizens' initiative. Their actions in this regard needlessly spend state funds and burden the working force. In addition, such actions do not contribute to the good name of the Republic in democratic society in the world. Also due to obligations stemming from the ruling of the Madrid Concluding Document, the state bodies should, instead, finally deal with constructive reminders, suggestions and proposals submitted by this citizens' initiative. The state bodies are also obligated to do so by Article 29 of the Czechoslovak Constitution. Charter 77 has, from its beginning, always been ready and willing for such a positive dialogue and positive cooperation with regard

to adherence to lawfullness in our country, as has been proclaimed by Charter 77 spokespersons on numerous occasions.

In the interest of a full implementation of all provisions of the Covenant on Civil and Political Rights, we propose that the Czechoslovak Republic should:

-bring its legal system, administrative and juridical practices into conformity with the provisions of the Covenant;

-recognize the authority of the Human Rights Committee to accept and to judge information provided by one state on the violations of the provisions of the Covenant by another state;

-accede to the Optional Protocol, which authorizes the Human Rights Committee to accept and to deal with information and complaints submitted by individual citizens;

-finally, recognize and respect citizens' initiatives, whose goal is to assist in the implementation of the spirit and letter of the Covenant.

Prague, June 19, 1986
Martin Palous Anna Sabatova Jan Stern
Charter 77 Spokespersons

Ladislav Lis
Vice-Chairman, International Federation for Human Rights (FIDH)

Internal Rules of Establishments and Enterprises Must Not Retrench Civil and Political Rights of Employees

Document No. 21/86

August 15, 1986

To the government of the CSSR
To the Federal Assembly of the CSSR

Employers' organizations in Czechoslovakia, or rather their leadership, are veiwed today as an important tool used by the state to control and manipulate citizens. This involves not only regulations concerning employment but also far-reaching interference in employees' private lives.

I. Travelling and Reviews

Typically this tendency is felt when Czechoslovak citizens wish to travel abroad. Employer organizations are requested to present their view on the application for a travel permit abroad, which is then sent to a bank which decides whether the applicant will be allocated foreign currency. There is no way to appeal a negative recommendation.

The influence of employer organizations in the next phase of the application process is even more pronounced. Public Notice No. 64/1965/Sb., concerning regulations on travel documents, states that any application for issuance or extension of passports or for issuance of an exit permit must be accompanied by a recommendation from ROH (official trade union) and the applicant's employer (state enterprise). A Public Notice, issued later, No. 44/1970/Sb., and still valid, specifies that the employer actually has to give consent to the applicants request for the issuance of a passport, etc. Where such consent does not exist, no passport will be issued.

Thus the employer's organization is given the authority to act in a field normally reserved for public administration agencies unconnected to the applicant by an employee-employer status. According to the Labor Law, this status is based on a contract founded on the principle of the legal equality of both sides. In this case, however, the facts are different. The employer is given the authority to make decisions concerning employee travel abroad--even private visits which have nothing to do with the fulfillment of work assignments. This gives the employer the authority to decide whether a citizen will or will not be able to assert the right to move freely, without hindrance, as guaranteed by the Constitution of the CSSR and by the International Covenant on Civil and Political Rights.

No recourse exists when an employer's stand is negative. The employer is under no obligation to justify the decision. The possibility also exists that an employer may abuse his or her right on this issue in one way or another. On the other hand, an employee may utilize questionable means in order to get permission to travel abroad.

Employers' organizations have another important function in the process of this so-called screening of citizens. Employer opinions or recommendations can be critical in regard to many problems involving citizens and their families, such as the acceptance of children into higher learning institutions or employment. Employer influence may also instigate or bias criminal proceedings.

Ordinary citizens have no access to the opinions or recommendations presented by employers, even though paragraph

60/2/3 of the Labor Law specifies that employers are obligated to inform employees of recommendations made to another state organization and must provide the employee with copies if requested. If employees do not agree with what has been said about them, they are entitled to request a correction from the arbitration commission. This provision of the law, however, is violated in most cases. Usually employees are not informed of the contents of recommendations and cannot, therefore, use it for their defense even if they wished to.

This deliberate "intertwining" of citizens' lives, meshing workplace with private life, creates fear for their existence and fear of all-around dependence on the power structure.

II. Contact with Foreigners

This negative tendency can also be seen in efforts to regulate employees in areas which have nothing to do with work performance and for which there is no basis in existing law or any other legally binding rule.

Many institutions have introduced internal regulations governing foreign contacts of employees which, in most cases, include provisions concerning private contacts of employees with foreigners. This includes not only private trips abroad, but also private contacts with foreigners on Czechoslovak territory. Such regulations usually state that employees must obtain employer consent for private trips to non-socialist states and to Yugoslavia. The head of the institution or enterprise makes favorable recommendations for employees who presumably will represent their country abroad with dignity. "Foreign contact" refers to every person who does not have Czechoslovak citizenship or who still maintains Czechoslovak citizenship but lives abroad permanently or illegally, including the nearest relatives of the employee.

Regulations of this type used internally in institutions and establishments previously spelled out special obligations and duties only for those employees authorized to have contacts with foreigners and for employees privy to facts and information classified as state secrets. Such employees were obligated to immediately inform a special department--created just for that purpose--about their private contacts with foreigners from non-socialist countries and from Yugoslavia and to report on anything found noteworthy or unusual. Other employees were required to do the same, but only as a civic duty and not because of their employment.

Internal regulations introduced during the so-called period of normalization go much further. They make such obligations mandatory at all times as conditions for employment in these establishments. They go even so far as to stipulate that employees request permission for contact with foreigners from non-socialist states and Yugoslavia on Czechoslovak territory, even if the contacts are private. In applying for such permission, an applicant must pledge that following contact with a foreigner, a report will be made for the employer about the contact. Decisions concerning permission are given in writing to the applicant and a copy is filed in his or her personal file.

These regulations go much further than Public Law No. 102/1971/Sb. which concerns the safeguarding of state secrets. This law specifies what is secret, stipulating rules for persons who come into contact with the state secret. Regarding employment, only persons so designated will have the authority to be privy to state secrets. Such persons can enter into private contacts with foreigners, with organizations abroad, or with an international organization only with the consent of the head of the organization or the consent of someone authorized to grant such consent. Provisions of paragraph 14, item 2 of the said Law specifically state that, "....if a (private) contact has been established with an organization abroad, with an international organization, or with a foreigner, without obtaining prior consent to establishing such contact, the person in question must report this contact subsequently and request consent for any continuation of such a contact...." However, this paragraph also stipulates that "....it is not necessary to report such contact subsequently, if this private contact occurred accidentally and if, with regard to state secrets, it is entirely unobjectionable..."

The above regulation is sufficiently clear and justified with regard to employees who must abide by it. However, employees cannot be forced to perform duties which impose contact with state secrets, if they do not wish to have their citizens' rights limited by this Law.

Internal regulations of institutions and establishments, however, do not limit requirements in this regard. Without any qualms, in violation of the law, logic, and requirements of necessity and advantage, obligations are imposed on all employees: prior consent for private contacts with foreigners and a report on such contact to the head of the establishment.

III. Inalienable Rights

Czechoslovak constitutional rules, the Constitution itself, and the International Covenant on Civil and Political Rights guarantee citizens the right of free expression, including the right to seek, receive and impart information and ideas of all kinds regardless of frontiers, whether orally or in printed form, through art, or in any other way, according to one's own choice. This right can be limited only by law and only in cases where it is necessary to safeguard state secrets, national security, public order or public health and morals.

It is therefore evident that forced retrenchment--based not on a specific provision of a law or even justified as a concrete public concern--of private or other contacts with persons considered to be foreigners, stands entirely unjustified. The absurdity of this situation is even more pronounced when one considers the following points.

If, in the area of civil rights, we take into consideration the legal principle that no one can legally renounce rights which might originate in the future, we cannot, therefore, concede or permit a situation in which employees, entering into contract with an employer, legally renounce their civil and political rights deemed inalienable in the International Covenant's preamble. Just as one cannot renounce a right to life, freedom, personal safety, freedom of thought, conscience, religion, etc., so can one not legally renounce the right to freedom of expression to the extent stated above. If an employer's organization tries to limit its employees' civil and political rights without specific legal support, it acts illegally. The employer cannot even refer to labor contracts and obligations stemming from them because such obligations simply do not include private life.

Unfortunately, no one has thus far done anything with regard to these apparently illegal internal regulations of institutions and establishments, be it the unions, whose first duty it is to safeguard the rights and interests of workers, or the Procurator, who is supposed to be the guardian of legality. In such a situation, these internal regulations may be abused or misused against critically thinking employees. The nature of these regulations is such that their implementation is almost impossible to control in regard to all employees. In specific cases, however, and with the assistance of the security organs, such control is possible. Thus, even under these circumstances, it is possible to enforce unacceptable discrimination. Internal regulations may differ in different establishments and institutions so that employees of one establishment may have "more" civil and political rights than employees of another establishment. It is evident that through such internal regulations, the authorities achieve fundamental differences between employees of one and the same institution.

Take the case of the Czechoslovak Academy of Sciences, where employee contact with foreigners and with foreign countries is retrenched in an unusually stringent way.

According to regulations of the Presidium of the Czechoslovak Academy of Sciences No. 3/1979 and some follow-up rules and regulations issued by directors of individual institutes of the Academy, all employees of the Academy--not just those who are privy to state or service secrets--have to abide by rules and regulations which spell out on dozens of pages the many specific retrenchments of their rights.

For example, to accept membership or any function in an international scientific institute or to publish anything abroad, even if it does not concern anything associated with the employee's work, an employee must have prior consent of the head of the respective institute of the Czechoslovak Academy of Sciences.

When these regulations are violated, the employee in question is punished and may be fired. If the regulations were violated by an employee who was engaged in special scientific tasks, or who had other specific functions, such an employee may be criminally prosecuted. This creates an atmosphere of uncertainty and fear in the scientific community. Eager interest for participation in international undertakings is viewed suspiciously in detriment to one's career.

Thus, even though these regulations were established to allegedly safeguard Czechoslovak scientific and technical advancements, their consequence is to limit development of things justifying such safeguards. In an atmosphere of suspicion and isolation, a Krizik or Heyrovsky cannot function.

Therefore, we demand that constitutional bodies whose task it is to implement the law instruct employer organizations to cancel immediately internal regulations which retrench the inalienable civil and political rights of employees. If interference of employers with the civil and political rights of employees stems from existing Public Notices (as it is in the case of travelling), it is necessary to ammend such Public Notices and bring them into conformity with higher legal norms.

Prague, August 15, 1986
Martin Palous Anna Sabatova Jan Stern
Charter 77 Spokespersons

For the Defense of the Jazz Section

Document No. 24/86
Communique of VONS No. 559
September 18, 1986

To the Federal Assembly of the CSSR
To the Government of the CSSR

Czechoslovak culture has been dealt a heavy blow. The public has been informed by communique No. 555 of VONS, that security police, on September 2nd, 1986, conducted house searches of seven functionaries of the Jazz Section of the Prague Branch of the Union of Musicians. The police also conducted searches of their places of employment and in the offices of the Section. During the search of the Section's offices, the police confiscated around 800 books and several hundred magazines. This important center of Czechoslovak culture was sealed and long-time funtionaries and employees of the Section Karel Srp, Josef Skalnik, Tomas Krivanek, Vladimir Kouril, Cestmir Hunak, Milos Drda and Vlastimil Drda, were detained.

They are being charged under paragraph 118/1/2a of the Czechoslovak Penal Code (unauthorized business venture).

On August 5, 1986 Vlastimil Marek, another activist of the Jazz Section, was detained and charged under paragraph 112 (harming the interest of the Republic abroad).

We do not wish to go into details regarding the legality of this problem. The Jazz Section, which for years has fought for its existence, was abolished by a decision made by the Ministry of Interior at the close of 1984 and beginning of

1985, together with the Union of Musicians of which it was a part. The liquidation of the Section and the Union was based on Public Law 126/68/Sb., enacted as a temporary measure to suppress the so-called "crisis phenomenon" after the Warsaw Pact armies entered Czechoslovakia in 1968. Logically, it would seem that the state power which applied the 1968 Law still considers the situation in Czechoslovakia to be a "crisis situation" even after eighteen years. The fifteen years of activity of the Jazz Section in the field of music, art, and literature is still considered an undesirable anti-social phenomenon. The Union of Musicians and the Jazz Section defended themselves against these charges on the basis of paragraph 2 of Public Law 126/68/Sb. and demanded a review of their case by a court. The Municipal Court in Prague and the Supreme Court of the CSSR, referring to a legal provision of August 22, 1969, which does not allow the right to request a court review, denied the request. The legal provision of August, 1969, however, lost its validity on December 31, 1969, and therefore cannot be presently applied. An "unauthorized business venture" is marked by signs of legal improprieties. The State is of the opinion that all Jazz Section activities since January 1985--such as the release of several publications--is illegal. The Section, however, was convinced that the request for court review of the unjustified decision based on improper use of the Public Law of 1968, warranted the right to deferment.

Our task is not to unravel the legal confusion which was not caused by the employees of the Union of Musicians or by the Jazz Section. If a trial is held, questions will be asked by a qualified legal community--and not just in Czechoslovakia. Questions will be asked not only about violations of existing Czechoslovak laws. Questions will also be asked about how it became possible for the police to liquidate an independent, viable, cultural entity which is a regular member of the International Jazz Federation affiliated with the UNESCO Music Council--especially considering provisions of known International Covenants and the Helsinki Final Act.

Charter 77 already came to the defense of the Jazz Section at the beginning of this year in its document entitled "Space for the Younger Generation." However, it is convinced that the Jazz Section can best be defended by its own fifteen-year activity. The Section was established on October 30, 1971 and its program was as follows: to organize performances, concerts, festivals, exhibitions and to concern itself with publishing activity in its area of expertise. Every jazz musician can voluntarily become a member, as well as every friend of jazz music who wants to be a member.

During the years from 1974 to 1979, the Jazz Section organized nine Prague Jazz Days, which were attended by thousands of young people and hundreds of bands. Their aim was to encourage amateur and semi-professional groups which had had good results on their own, but no real occasion to perform before large public audiences or to confront their performance with that of better professionals.

Thanks to these festivals, the Jazz Section discovered then unknown jazz and rock music bands which became famous. Some of them have been active until present day. The Jazz Section concerned itself consistently with amateurs. It assisted them by making it possible for them to appear at the "U Zabranskych" (Amateur Theater) in Karlin (district of Prague), as well as with seminars. The Jazz Section also organized lectures about modern music with participation by foreign lecturers. It also organized trips to jazz festivals and important concerts in Poland, Hungary and the German Democratic Republic.

Seven thousand members of the Jazz Section had at their disposal a well edited bulletin, of which 28 issues have been published thus far. The offices of the Jazz Section all had a large selection of taped music which members could borrow. The offices of the Jazz Section were also used for showing films, as reading rooms, or as studies.

The Jazz Section organized annual exhibits of past and contemporary music, as well as exhibits of photographs and graphics. One can honestly say that this cultural center had a good grasp of the universality of art and its meaning. It was also a fountain of new ideas. For illustration we want to cite one example. The Jazz Section asked 300 artists and sculptors to participate in a "mini-salon." They all were given a small wooden box and asked to create something according to their own ideas. Almost all of them accepted this challenge and results were unique. Can this also be called an "unauthorized business venture?"

The Jazz Section's publishing activity was extensive and praiseworthy. It published twenty-two book titles and fifteen monographs of contemporary Czech graphic artists, such as works of Bohumil Hrabal, Jaroslav Kladiva, Jindrich Chalupecky and, of course, Jaroslav Seifert's acceptance speech of the Nobel Prize.

Looking over this extensive and truly pioneering activity, it is difficult to realize that it is the work of a few enthusiasts who devoted every hour of their free time and all their capabilities to it. Such unselfish service to promote culture and the betterment of young people would be appreciated in many countries. Such service would also get full support. In our country they want to expose them to public ridicule in a court.

We do not know what caused the liquidation of the Jazz Section and the detention of its functionaries: was it the fact they were so well liked among young people, or the fact that they have so resolutely fought for their rights? Was it because of the way they understood art and the meaning of life--which inspired them and through which they inspired others? Those who think that the life of the Jazz Section can be extinguished through an administrative order are much mistaken. Where ever people who love freedom and art meet, the example of the activities of the Jazz Section will be discussed and their life will serve as a warning and an appeal.

Their case will be "present" at international meetings on culture, rights and peace. At a time when it is the duty of all people of goodwill to strengthen trust among nations and states, at a time when we see hope for the relaxation of international tensions, and at a time just before the Vienna Conference, the police action against the Jazz Section has the effect of a slap in the face of public opinion.

People view the action as an attack against life and its varied needs, as an attack against everything that wants to be "its own," as a gross insensitivity towards art and culture. They wonder about it all the more, since in the neighboring states of the Soviet bloc the trend is more or less the other way. Political prisoners are being released from prisons and creative people are asking for their rights with more self-confidence.

We demand that the representatives of political and state power weigh their responsibility; that before they permit the trial of the executive committee to take place, they use their own judgment. The immediate release of those detained and a sensible resolution through negotiations of the status of the Jazz Section is defintely in the interest of the Czechoslovak Republic.

Prague, September 18, 1986
Martin Palous   Anna Sabatova   Jan Stern
Charter 77 Spokespersons

Ladislav Lis
Vice Chairman, International Federation for Human Rights

VONS (Committee for the Defense of the Unjustly Persecuted)
Czechoslovak League for Human Rights
Member, International Federation for Human Rights

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Transcribed from tape, sent by Ivan Medek, member of VONS, Vienna Austria

The Thirtieth Anniversary of the Hungarian Revolution

October 23, 1986

Thirty years ago, on October 23, 1956, the workers, students and soldiers stormed the building of the Budapest Radio Station because they were fed up with official lies and wanted to hear truth and state their demands.

They smashed Stalin's Monument and with it the "infallibility" of a regime which called itself the "dictatorship of the proletariat" and "people's republic." They wanted to live in peace and in a decent society.

The Hungarian Revolution was, just as were the uprisings in East Berlin, the Prague Spring and the Revolutionary movement of the Polish people, suppressed by Soviet intervention and by domestic military force.

During the past 30 years, life for many has become easier. Some citizens now may express their thoughts without being thrown into prison. However, the basic demands of the Revolution were not realized.

On the day of the anniversary of the Hungarian Revolution, we are turning to our friends in the world so we can remember it together.

We declare that we will, together, struggle for a political democracy in our countries; for pluralism, based on the principle of self-government (autonomy); for a peaceful unification of a divided Europe and for its democratic integration, as well as for the enforcement of the rights of minorities.

We want to stress that we will support each other in our common endeavor for a better, dignified and free life in our countries and in the whole world.

The tradition and the experience of the Hungarian Revolution remain our common inheritance and inspiration.

Signed on October 23, 1986 in:
Budapest East Berlin Prague Warsaw
In Czechoslovakia, it was signed in the following order by:

Rudolf Battek
Vaclav Havel
Vaclav Maly
Eva Kanturkova
Martin Palous
Ladislav Lis
Libuse Silhanova
JiriGruntorad
Vaclav Benda
Frantisek Starek
Jiri Dienstbier
Jaroslav Sabata
Anna Sabatova
Miklos Duray
Jiri Hajek

Ivan Medek, member of VONS, Vienna, Austria, tape, 10/21/86

To the Participants of the Vienna Follow-up Meeting of the CSCE

October 30, 1986

Dear Delegates, Ladies and Gentlemen:

The so-called Helsinki process started with the preparatory meeting for the Conference in the mid-seventies and is now culminating in the forthcoming Conference in Vienna. There are some signs that it has, in the eyes of many Europeans, a somewhat controversial character.

This may be so due to the fact that there exist two interpretations of the process.

On the one hand it may create a suspicion that its main goal is to confirm (consolidate) the existing unfavorable status quo in and division of Europe and to find for all governments only some practical and convenient rules for mutual co-existance. There are even some skeptics who consider the process as some kind of a conspiracy of governments against European nations.

On the other hand, the Helsinki process is, for many people, a source of life-giving hope. They see in it a first step towards achievable changes for the better: as the beginning of a long-term development directed to the ideals of Europe, to a Europe really democratic and peaceful, to a Europe of friendly association of free and independent nations.

Charter 77, like many other movements for the defense of human rights, was born in the favorable atmosphere created by Helsinki. From its inception, Charter 77 has directed its efforts to the enforcement of the principles which the participating states pledged to implement in Helsinki.

Helsinki therefore had for Charter 77 an importance of constitutional character, and its ten-year activity has been guided by a continuing emphasis on the hopeful prospects of the Helsinki process and its good possibilities. From the very beginning we were of the opinion--and we believe so today--that it is necessary to take the Helsinki Final Act seriously and patiently strive for the time when it will really be brought to life in all countries. If that will become a reality, then the path ahead will be much easier.

Whatever your Conference will be able to achieve towards the strenghtening of the hopeful dimension of the Helsinki process, will be for us--and not only for us--a great encouragement and will also render us great assistance. We believe that the positive potential which we are now holding will continue to be realized and there will be fewer reasons for skepticism in the future.

We believe that you will do everything to get this Conference engaged in a real dialogue of nations, and that the Conference will not become only mere bargaining between governments, influenced by traditional "bloc thinking," and interested more in spheres of influence and in the unchangeableness of societal contacts and cultures than in the real longing of people and nations. We wish your deliberations success.

Prague, October 30, 1986
Martin Palous Anna Sabatova Jan Stern
Charter 77 Spokespersons

On the Occasion of the Awarding of the Erasmus Prize to Vaclav Havel

November 13, 1986

To the Erasmus Prize Committee in Rotterdam:

We have received with great pleasure the news that the annual Erasmus Prize awarded by your Committee for the preservation of European culture was, for the year of 1986, awarded to dramatist Vaclav Havel. He is one of the most prominent personalities of Charter 77, the free association of Czechoslovak citizens which strives for the implementation of human rights. We understand your decision to be not only a recognition of the individual contribution of Valclav Havel to European culture, particularly with regard to his activities in his field as a playwright, but also a recognition of the new elements brought into European culture by Charter 77, with which the activity of Valclav Havel is inseparably linked.

What contribution can Charter 77 make to European culture? What spirit and what ideals are close to Charter 77? Permit us, on the occasion of the awarding of this Prize to Vaclav Havel, to reflect on this question.

Many present day thinkers agree that European culture as such is undergoing a certain crisis. The development of the Czechoslovak society in the 1970s presents a particularly vivid example of this crisis.

Because of reasons which are well known, the societies born in the 1960s which sought to revive elements of Czech, Slovak, and European culture in Czechoslovakia were gradually demolished by the authorities.

In the efforts of the governing apparatus to stabilize the shaken power structure, even the slightest attempts concerning free action and decision in public affairs were suppressed and declared inadmissible. This, in turn, practically paralyzed and killed cultural life. The attempt of the authorities to develop culture from above, to incorporate it into the system of power manipulation, and to deprive it of independent initiative and spontaneity, brought about its destruction. If some valuable works were produced, if the attempts of the power structure to dominate the cultural scene did not succeed, this is not due to some enlightened idea of someone in power, but due to an elementary ability of a societal group to defend its integrity and its spirit, even in highly unfavorable circumstances.

The 1970s brought this experience to Czechoslovakia. A nation living in relative material stability at the expense of cultural life will soon become almost unbearable; and thus it begins, on its own, through its own vitality and for reasons of self-preservation, to search for a way out of what it considers to be a life-threatening situation.

Charter 77 was born in 1977. The basic goal of Charter 77 is the defense of human rights and the protection of individuals against illegal government interference in their lives. But this event also signified a new impulse in the area of culture. Is not the right to participate in cultural happenings one of the most important pre-conditions for the full and authentic development of a human being?

Charter 77 is deeply convinced of the basic importance of respect for human rights in the life of the individual as well as society. For this reason its efforts are centered around the implementation of these rights and the appeal to others to do the same. Part of the effort of Charter 77 is to open up and to cooperate in the creation of a public forum for cultural life, for the free exchange of ideas, experiences and information, for free thinking, for free artistic creation--and to defend this forum with all available legal means against attempts at limiting it or even liquidating it. All those who, together with Charter 77, share a sense of responsibility for the state and future of human society and culture are invited to participate in this forum.

In a situation where official institutions are neither willing nor capable of providing the free space necessary for the development of free culture, it is up to the individual members of the society not only to point out this unfavorable state of affairs, but also to work towards overcoming it. In other words, in such situations it is necessary to use independent possibilities if official possibilities are not available.

During the last few years we have witnessed how this awareness is spreading among our citizens and how it is bringing a new life into our cultural element. This has helped to create a new cultural constituency, independent of the official state apparatus. Independent editions are being published of works produced in the CSSR, as well as abroad, in the areas of fiction, science and philosophy. Spiritual life and artistic creation have moved into a realm not controlled by the central power structure. This has also helped--and we consider this to be the most important aspect of it--to create, to a certain extent, a different spiritual atmosphere.

Together with the revival of public conscience a new cultural climate has come into being--even if the space is limited--which is favorable for the thus far weak and often inconspicuous sprouts of independent and non-manipulated creativity. It points to the fact--and the almost ten-year existence of Charter 77 supports that contention--that it is possible to overcome the seemingly invincible barriers of a totalitarian society if its members are willing to again become citizens in the full meaning of the word and if they themselves take responsibility for its culture. Only in a society which is not dominated by an anonymous, impersonal apparatus and in which responsible individuals have their say, can there be hope of overcoming the historical pathos of the second half of the 20th century.

Charter 77 is a citizens' initiative which opened its door to people of various, sometimes very dissimilar and conflicting, convictions. Upon what, then, is their unity based? Philosopher Jan Patocka, who was one of the first three spokespersons for Charter 77, saw the basis for this unity in what he called "the solidarity of the shaken."

It is in this aspect of the unity, in the trust and the respect shown towards one another by those who understand this endangering of the sense of human existence and elementary structures, that Patocka gives us hope that the crisis of European humanity can be overcome.

"Solidarity of the shaken" is something more than a mere unity of views, coalition of opinions, or temporary conciliation of differing standpoints. It is the solidarity which represents respect for the diversity of others, the respect for individuals, their unique characters, and of the inviolability of their human rights. This solidarity, which builds unity on plurality, is the forgotten stone on which the house of European culture is built, and is the most important contribution which Europe can give to world culture.

If you are now presenting your Prize to Vaclav Havel, then you are at the same time strengthening the hope which, for Europe and the whole world, represents "the solidarity of the shaken." You are honoring a man who understands this European heritage and who is living up to it in a very dignified way through his works as well as by the way he conducts himself.

Martin Palous   Anna Sabatova   Jan Stern
Charter 77 Spokespersons

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Transcribed from a tape sent by Ivan Medek, member of VONS, Vienna, Austria, 11/13/86

Discussion on Education

Document No. 32/86

November 17, 1986

A discussion has been carried out among Charter 77 signatories as to the state of Czechoslovak education in institutions of higher learning. In an effort to make the discussion a general subject, we are introducing a document which discusses the mission of universities as independent and self-governing centers of education and thinking.

Prague, November 17, 1986
Martin Palous   Anna Sabatova   Jan Stern
Charter 77 Spokespersons

cc: The Ministry of Education, CSR
The Ministry of Education, SSR
Chancellors of Czechoslovak Universities

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Introduction

The development of culture and education and, therefore, the ability of a society to solve delicate problems with which it is confronted at every period of time, depends to a large extent on educational institutions. First and foremost, universities play an important role in this. Their traditional mission was two-fold: (a) to provide and guard the space for the free development of cultural and spiritual values which impress upon a certain society its unique, uninterchangeable face; (b) to educate future generations of people and to give them the qualifications necessary to assume the responsibility for cultural heritage, to add to it new values acquired during their lifetime, passing them on again to those who will come after them.

Each period, naturally, undertook and grasped the meaning of the heritage--as to its content or as to the way it should be preserved--in its own way. The concept of education has, in the flow of history, changed: from the concept of Middle Ages, based on theology, through the Renaissance and the Enlightenment, to the present, when it has become predominantly science based on mathematics. Despite these historical changes, respect for education, as such, has prevailed. There has always been an awareness that in order to prevent society from wasting away or degenerating, it is necessary to provide for and to guarantee to the educated conditions which would enable them to carry out their task to the best of their ability--not for their own benefit, but for the benefit of all humanity.

In the past, universities in our country have also been important centers for the development of culture, science and social life in the broadest meaning of the word. What role, however, do they play today? We are of the opinion that the state of affairs with regard to institutions of higher learning in general and of universities in particular is unsatisfactory in our country. If these institutions are to fulfill their original mission, so vital to society, it is necessary that the conditions under which they now exist, as well as the type of activities they are engaged in, change radically.

A Brief Search for the "Idea" of a University and Its History

(Synopsis)

Traditionally, in the European system of education universities have held a central stage. They were established in the Middle Ages as the realization of a specific European "idea," as an expression of a European stand towards education and culture. Even though the spiritual dimensions that led to their establishment have been, in general, hidden, it is possible to reconstruct at least some of the "ideas" behind their establishment.

They were established on the basis of decisions made by rulers and Popes as autonomous, independent and self-governing corporations, as independent associations of teachers and students "for the study of science." In order to make their existence possible, they were granted the privilege of social, legal and spiritual autonomy, which guarded them against local feudal power and other possible infringements. They were able to elect their own chancellors and deans and they had jurisdiction over testing and graduation. Only under such rules were the universities able to maintain their independent status and devote all their energies to their mission. The original "idea" for the establishment of universities was not training for a particular profession, but to generate love for knowledge and science.

As history will show, the development of universities was not always an idylic progression of this love for knowledge and science under the benevolent guardianship of rulers, political or spiritual. The history of the universities also reflects the political, social and spiritual history of the past centuries. However, when universities stay too far from their original mission, they find themselves in crisis, and every crisis brings on the idea of a reform.

However, as time progressed, universities became more specifically oriented to specialized subjects for the preparation of students for specific professions; however, they did keep their independence, their openness and their autonomy. It is impossible to follow the history of universities in every country during the past 200 years. Nevertheless, the fact remains that the importance of universities grew.

With regard to our country it was not by accident that the first Czechoslovak Republic was called "the Republic of professors" and neither was it by accident that the first repressive act of the fascist occupants of our country was the liquidation of institutions of higher learning and brutal persecution of students and professors.

We wish to state that between the years of 1918 and 1938 the universities in Czechoslovakia did retain or renew much of what we called the "original idea" behind the establishment of these institutions. They did have an autonomy vis-a-vis the temporal power, whether it concerned the election of their officers or academic freedom. The professors were able to choose the subject matter for their lectures as well as the length of the course so it would correspond with their creative and pedagogical aims. The students were not limited by any "indicators" and were able to choose between a wide variety of subjects and professional interests. Even the argument, whether universities should aim at preparing students for their future professions, or whether universities should exist only for the furthering of education, independent of any other goals, was resolved satisfactorily: both types of education were available.

Our Present Situation

The "form" of present higher education and the organization of life on universities in present day Czechoslovakia is codified in the law on institutions of higher learning, passed on April 10, 1980, No. 110/1980/Sb. According to this law, institutions of higher learning represent the highest form of the Czechoslovak educational system. There is no indication in any way or form that the law would make a distinction between the lower and higher form of education. What can be surmised, however, is that the law does not consider institutions of higher learning as "independent institutions." Rather, they are viewed as part of a directed educational system, i.e., a part of a uniform, state planned and state directed educational system. Decisions on all aspects of the life of the institutions of higher learning--from the selection of officers, budget, contact with institutions abroad, academic degrees, contents of textbooks, plans for research, etc.--rests with the state organs, with the Ministry of Education, etc. The so-called academic freedoms, which were the basis for all activities in institutions of higher learning and which gave them their individuality, are not recognized, not only de facto but also de jure.

Dependency on state institutions and their apparatus is what is paralyzing, more and more, our institutions of higher learning and what is putting a break on their development. It is reponsible for the fact that the most important factor in decision making with regard to the mission of institutions of higher learning ceases to be the elementary need of human society to pursue science and art, to develop cultural heritage to be passed from generation to generation The most important factor has become state interests, be they social-economic or power-ideological.

a.) The So-Called Indicators

The areas of studies which are opened in any given year, as well as the number of students which can be accepted into any given field, are determined by so-called "indicators" at the Ministry of Education. The deciding parameters in this instance are the needs of the directed national economy; i.e. how the needs are viewed at that time by the various Ministry officials. Naturally, this has a very adverse effect on fields of study which cannot present an immediate practical advantage. In particular, many branches in the field of humanities are opened very seldom and only for a very limited number of students. Classical philology, which had an excellent tradition in our country in the past, has been "sentenced to vegetate." (In the field of classical philology, only seven students are studying ancient Greek at the Charles University in Prague. One of them, however, is a student from Argentina, who is studying here within the framework of an international exchange program.) In instances where a real need of the society is in conflict with a current ideological aversion, it is the latter that prevails.

The next problem is admission practices.

b.) Admission Practices

Despite measures which are supposed to make the selection criteria more objective--standardized tests and computer-prepared results--other interests which have nothing to do with an unprejudiced selection of students are often pushed. The cause of this does not rest with the persons involved in this process alone. It also rests with the process itself.

The deciding factor is not, first of all, the competency of applicants, how they relate to scientific or other creative activity, their ability to orient themselves in a given field. On the contrary, applicants are evaluated under criteria which are secondary or which have nothing to do with subject matter.

Consideration is given to grades received in the "middle" schools and on the "screening" evaluations--which stress the "political profile" of applicants--that come with them. Applicants are interviewed in order to ascertain their social-political views, namely, whether applicants are interested in the subject because of "world views of science;" whether they are able to reproduce from data presented the official evaluation of domestic and world problems and whether they are proficient in the use of official formulae and theses presented as Marxist-Leninist philosophy.

Applicants are thus subjected to corrupting pressures. Instead of being able to formulate what their real views are and to defend the consistency of those views and their preparation for study at an institution of higher learning, they are forced--if they want to get approved by the commission--to say what is expected of them; to prove their ability in uncritical repetition of what has been said or written on the subject by others; and to pretend that they hold the same views as those presently held in official circles. Under such circumstances, any test of the "expert" knowledge of applicants, which very often records only passive recollections, plays only an inconsequential part in the admission proceedings.

It is quite evident that those who are qualified, who have real interest in the subject they would like to study, and who have the ability to get ahead in science or art, are not favored. Those who have the best "screening" recommendations, who are the most willing to respect the rules of the game, who can prove their positive attitude towards the society and state system through their membership in the Communist Party, or through the existence of various "uncles" or other such patrons in the party or state apparatus, are favored.

c.) Form and Content of Education

Because high schools, inculding universities, are incorporated into one state educational system with universities as the highest "grade," the difference between them and lower schools has been eliminated. This means that in all schools in Czechoslovakia, from the basic schools to the university level, the school program remains the same year after year with no deviation possible for new scientific research or for special cooperation between professors and students on special projects. Pressure is placed on students to master the school program and to attend the proscribed number of lectures. Tests only evaluate the degree to which students mastered what was presented to them. The way the education system is presently administered in Czechoslovakia does not offer students any free time or the chance to spend time in libraries, reading rooms, laboratories, or to engage in discussions with professors on areas of special interest. It is also impossible, under the present system, for students to do anything on their own--be it research, studying, finding their own resources, etc. It follows that such a "fettered-up" school system does not lead the student to independent thinking and activity.

We recognize a special problem in the teaching of subjects included in the basic program requirement which take up about ten hours per week, i.e., one third of the program. These include lectures on Marxist-Leninist philosophy, the history of the Communist Party of Czechoslovakia; the history of the international workers' movement, "scientific" communism, "political" economics, etc. The same procedures are followed here as in the teaching of other subjects. No independent thinking is permitted. It is expected that students will parrot what they have been told without questioning the reasons for or basis of such presentations.

d.) Possibilities for Scientific or Creative Activity

Because high schools are not independent institutions with the right to freely determine the areas of their activities, be it in the scientific or artistic field, to a great extent they lose their role as important spiritual and cultural centers, centers which could be the source of new ideas for the benefit of the whole society. High schools, as all other schools, are financed and controlled by the state. They are required to fulfill tasks requested by the state for its plans in the field of development of any aspect of national life or economy. Emphasis is placed on technical subjects and natural history--subjects seen as being more "practical" than the humanities. In view of the fact that there are so many rules to follow, so many forms to fill out, so many circulars to read, and so many plans to follow in order to bring some economic plan to fruition, scientific workers and university professors have become only clerks in their professions. Basic research and other such activities suffer. This gives support to formalism and empty paperwork.

e.) Staffing of Teachers' and Scientific Positions

An independent chapter in all this is the interference of state and party organs in staffing individual departments. It is most striking that the awarding of degrees is now completely in the hands of state institutions. Department chairs must be confirmed by the Communist Party of Czechoslovakia; a candidate for any scientific position must be a member of the Communist Party and has to pass all screening requirements. It is quite common that preference is given to a candidate who has those necessary qualifications. If teachers in any way "interfere" with the climb to power of an unqualified, ruthless careerist, it is very easy for them to be marked as politically unreliable. Such people are then fired or relegated to lower positions, are not permitted to teach and are forced to retire at age sixty, even though teachers can actually teach until they are sixty-five. This, of course, also depends on their political reliability.

f.) Foreign Contacts

It is evident that the free development of contacts with foreign institutions, the possibility of attending conferences and symposia, and the opportunity of studying abroad have a positive influence on the work of scientific workers, students and professors. However, if such persons have the bad luck of being citizens of Czechoslovakia, they are in a predicament. All contact with institutions abroad are strictly controlled by the state organs and must be approved. In fact, these contacts are now very limited; they are the exception, rather than the rule. Approval of a foreign trip or of foreign contacts is, in many instances, "remuneration" for civic "obedience." When a trip or a contact is not approved, it is a sign that the screening requirements have not been fulfilled by the person requesting such approval--even if it is a highly qualified scientist or other such individual. When a trip abroad or a foreign contact is approved, it has to be taken as a one time privilege and not as something to which a scientist or a professor or a student has a right, stemming from their area of activities.

The university spirit and, together with it, the whole system of high schools, are on the decline in our country-- a decline which seems to be irreversible. This decline projects itself into the life of the whole society. It is felt in practically all areas of the nation's life: in the national economy and everything stemming from it. The universities are "crying for reform" to get them out of the crisis.

A Way Out -- Reforms

It is necessary to take into consideration various ideas of contemporary thinkers on the crisis confronting us. Science, which--disregarding its universal character--is concerned only with technical achievements, is in the end losing its orientation in the world of human beings. Instead of helping people make their lives and more dignified, it begins to threaten and enslave them.

Science has to be free also in the sense that it is not directed by immediate goals, practicality, or economic interest. Science must be, first of all, be subjected to truth. Only truth can make it free.

Should universities be places where free science can really develop and grow--which, in our view, is the elementary and basic requirement--then no obstacles must be placed in front of it. It has to be a place where one can think freely and where one can acquire a "moving scientific spirit."

The purpose of university teaching is, above all, to instill in students the idea of science as a whole, the idea of knowledge, and to educate students as a thinking philosopher, a responsible human being who has the courage to embrace truth.

Conclusion

It is, above all, important and necessary to initiate a discussion about the problems of our universities and of high school education as a whole. The leading question in our view is the place of the university in our contemporary society, the role it can play in the search for a way out of the crises (social, political, ecological, etc.) which are plaguing European development in the second half of the 20th century. How should a university be incorporated into the society, into its economic-social and political-administrative structure? How, on the other hand, should it be separated from them when it needs separation and protection against influences which are estranging it from its original purpose which prevailed in the first Republic, or which exists today abroad? All this would mean a radical reform of the system as it exists today.

However, it is necessary now to change the atmosphere in which universities in our country exist. It is quite evident, that it is the high schools which are sensitive to the implementation of all human rights, of freedom of thought, conscience and religion, of freedom of travel; and that they are also sensitive to all discrimination on religious grounds, or political beliefs, or on the basis of national or social origin.

It is also necessary to realize that science never was and never can be only an instrument in the hands of the state--for the well-being of its citizens. Furthermore, it is necessary to bear in mind that in order to be able to develop, science has to have a university space, independent of the state, because in the human world, it is freedom which best "neutralizes mistakes and defends truths." State bodies, with their constant bureaucratic regimentation, should realize that by limiting the autonomy of high schools they are killing its elementary creativeness, that they are confining its cultural spirit which could otherwise bring the society many fruits and assist in the restoration and recovery of social atmosphere and solving those problems which weigh heavily on society in all areas of life. We feel it is high time to start working on the basic and deep reform of our universities to their original purpose in education. We believe that despite original resistance to this idea and lack of understanding, the reforms will, sooner or later, take place. The sooner they come, the better it will be for all of us.

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A Word to our Fellow Citzens

Document No. 1/87

January 1, 1987

When Charter 77 came into being ten years ago and entered public life, this citizens' initiative seemed to many to be a group of dreamers. Its ideals did gain general sympathy and respect. But only few believed that, in the middle of the crushed and apathetic society and in the face of those powers which suppressed any meaningful criticism, it would be possible to get really engaged and be active in the spirit Charter 77 generated.

The ten years that have elapsed since the founding of Charter 77 have, however, brought many changes. The society is changing, even the political atmosphere in our country is slowly changing, and there are even some changes on the international scene. These are not basic changes, but they are visible, and, sometimes, changes for the better. The values and goals of Charter 77 are acquiring new importance. Present time is making them more topical; they do not seem that unreal.

Life itself is asking to be heard. It is expressing ever more realistically that which it needs to develop and to be able to stand up to what is threatening it. Taking into consideration this move, we are turning, on the occasion of the 10th anniversary of the founding of this initiative, to all our fellow citizens with an appeal to realize the historical possibilities of this moment, and to use these possibilities to the advantage of our nations.

Even the representatives of power in our country sometimes proclaim themselves for democracy, for justice, for public control of their functions. However, thus far, these have only been empty words, behind which a dictatorial arbitrariness is hiding. Society has grown accustomed to the fact that these pronouncements cannot be taken seriously. Lately, however, it seems to us that at least some of these pronouncements reflect the realization that changes are necessary. Unfruitful stiffness of the current political and economic system, falling behind advanced nations--among whom we used to belong-- and insufficient satisfaction of many needs and demands are all becoming more visible. It is also weighing more heavily on the everyday life of citizens and thus awakening a desire for change.

The direction of this change is obvious. It is toward more democracy. There are, naturally, many differences in the ideas as to what it concretely means; namely, in what direction to proceed and where to stop.

Regardless of what the different opinions are, one thing is clear: a step towards more democracy would not be, for our nation, a step into the unknown. We have something to lean upon: we have our own democratic traditions. The first President of Czechoslovakia connected our new state with the idea of democratic self-government and social justice. These ideas came into life in other ways after World War II. In a radically new internal and international situation, the democratic impulses appeared again in the 1960s, in an important way.

We are not offering to anyone or forcing upon anyone some definitive and unambiguous opinions about this or that historical phenomenon or act. We are only urging an unbiased discussion about them, and a search for lessons which we can learn from them. At the same time we are of the opinion that arguments about the past should not distract the mind of the society from live questions of the present. The best way to re-establish a link with democratic traditions would be to direct the good presumptions created in the subconsciousness of our nations toward action. This means action without prejudice, unburdened by ideological and prestigious considerations, and with an understanding of today's situation. This action should also be receptive of the good and bad experiences of the present world, show imagination and courage, and above all endeavour to look forward.

We do not know, naturally, just when and how the turn in this direction will become a reality in our country. However, we know that sooner or later this turn must materialize. We are also aware of the fact that the direction and fate of this country does not depend only on political power. Much more depends on what the society will do. History is not made by governments alone and no government can completely ignore the actions of its citizens. Democracy is not something that is being handed over by one group to another. This is a task for all. Everyone has to learn it again and again. When and to what extent the political power itself will move in the good direction depends on all of us.

The task which stems from it is clear: let us extricate ourselves finally from comfortable resignation to fate, let us stop waiting for what the others will do and let us do something ourselves. Let us wake up from apathy, let us reject the feeling of futility, let us overcome our fear. The more citizens will try this, the less there will be reasons for fear, because it will become more difficult to punish a justified stand.

All of us can, with courage which we will find in ourselves, contribute to this process, so that others do not have to be afraid. Purposeful life is not being allotted to the citizens by the government; we all must work for it ourselves and strive for it today and every day. We have to search for it in ourselves, we have to create it through everything we are doing--and also with our attitude toward general, public things.

What are we appealing to? It is nothing more than courage to become citizens in the full, creative in the strongest meaning of the word. There will never be a democracy without citizens. However, citizenship is not only a status; it is, above all, a certain human stand. Whether we want to be self-reliant, dignified citizens, aware of our responsibility for the state of the whole and acting in accordance with that premise, depends on us alone.

The Constitution, the Universal Declaration of Human Rights, the United Nations Charter, the International Covenants on human rights, the Helsinki Final Act--all these may be interpreted as either worthless pieces of paper, or very concrete and binding guides and standards to follow. Whether it will be the former or the latter does not depend on governments alone. It is up to all of us as to how we accept these standards and how we bring them to be realized.

We feel that the time has come to remind ourselves also in Czechoslovakia of these truths, and to try to act in their spirit with a new energy. If we waited for the social antagonism to deepen to such an extent that the catastrophic course of events would force some changes, we would be working against ourselves. We would all pay dearly for letting this antagonism deepen, because it would lead to unpredictable consequences which no one wants.

Very often we hear the question, "what to do?" It is a question inquiring as to what concrete, useful and realistic action a citizen can take for the betterment of the common good. The task to accept seriously and to try seriously to fulfill one's citizenship opens the door--in our view--to many concrete possibilities.

All of us can start tomorrow to speak the truth, not only at home, but also at work, at social gatherings, at various meetings; and not only the truth about common sloppiness we see all around us, be it in production, in business, or in services --but also the truth about its causes: bad managers who, strengthened by their unconditional political loyalty, can, without being punished, cause whatever damage they wish; the inflexible direction and decision making in our economy; the unbelievable inability of centrally directed production to react to elementary needs of a society; the incomprehensible--and at the same time tolerated--loss of profits in our largest industrial enterprises; about the waste of energy in ineffective industrial branches; and, naturally, the horrible bureaucratic monster which is eating up, irrevocably, such a great part of the results of human endeavour, while at the same time doing everything to complicate or obstruct this endeavour.

All of us can take seriously our union membership and demand the right to elect into the leadership of the unions undaunted spokespersons for the real will of the workers; to elect--after a free discussion--real representatives of the workers, and not those who were recommended because of their malleability. We all can demand changes in questionable union practices and rules. Unions should not only be a distributor of bonuses for recreation and of social amenities. They should not only be obedient procurers for the employers, but should demand a real and independent participation in the decision-making process with regard to economic and social policy. Or, in marginal situations, unions should support their demands with a traditional workers' weapon--a strike. The right to strike is embodied in the International Covenant on Economic, Social and Cultural rights.

We all can create in various milieux informal political forums open to a free exchange of views. These informal fora should operate without any political taboo and nothing--especially the omnipotence of the party secretariat--should stand in the way of criticism of such fora.

We can demand truthful information, we can write truth into existing media and, possibly, create new centers and ways for a free exchange of views. Every enterprise or business establishment could publish a newspaper for a free exchange of views--if the workers would seriously demand it.

We all know how catastrophic the ecological situation is in our country. Why do we talk about it only in private? Why do we talk in public only about one-tenth of these problems? And why is there no discussion about the real reason for this situation? We should open, in various settings and on all levels, a basic discussion about the ecological situation here, and we should immediately try to resolve it. The responsibility of future generations should be the basis for such a discussion.

When a citizen is certain about the fairness of his grievance, he should be able to overcome fear of supervisors, fear of police, and fear of the state bureaucracy. All those who try this approach will, through their solidarity, give moral support to others and thus can also prevent arbitrary aggression.

There exist many rights: from the right of assembly to the right of free expression, the right of conviction and religion, the right to exchange information. All these rights are formally guaranteed; however, they are not used for fear of possible consequences. Why not use them? In our country, the working class is, supposedly, the ruling class. At no other time was this official claim at such a gross variance with reality than today. The higher and the highest political officials are moving around in this country, surrounded by police guards, in cars with all types of protective devices and with the immoral absolute priority in driving. In the interest of their--only God knows by whom--threatened safety, even a seriously injured citizen, being driven in an ambulance, has to give them the right of way. They have their consumer privileges, special suppliers, special services, special health care, and special secret income. They are even able to arrange for their less industrious children to pass without any problems all examinations at a high school. Their power provides them with a number of privileges.

It is not our intent to create hate or envy--those are not good impulses on the road to democracy. The reason we brought it up is to stress how deeply many of the leading functionaries have estranged themselves from the ordinary citizens. As long as this estrangement lasts, all efforts for democratization will meet with opposition from those who will try to keep their privileges.

For this reason society should constantly point out these unjustified privileges and demand their revocation. The powerful will have to, in the interest of a healthier societal life, give up some of their comforts. This is in their interest. The more they are separated from the society, the worse they will govern, and the deeper will one day be the societal crisis which will leave them helpless.

The teachers should teach the truth, they should teach in accordance with their conscience. They should conduct themselves as civically courageous educators, who will not obediently adjust themselves to any problematic direction from above. It is possible to respect the school program and yet, at the same time, retain before the students one's own un-cowardly opinion. By maintaining basic solidarity, teachers would be able to defend themselves against possible persecution.

Believers should not be afraid to go to church and should not hide their faith. Priests should fulfill their mission according to their conscience and convictions. They should protest when church secretaries interfere illegally with the carrying out of their priestly functions and when corrupt officials cover up such interference.

How free a culture is depends, above all, on the culture itself; specifically on the culture's creators. No one can forbid anyone free creativeness. It is the artists and scientists who are doing the forbidding when they are afraid for their positions and possibilities. They, too, then are able to assist in creating better situations. They can overcome their fear and create freely. The greatest geniuses of modern Czech literature achieved that; even here, then, it is possible to establish a link to tradition.

We are convinced that if our society began to use more resourcefully the few existing possibilities which we have pointed out, the political climate as well as societal situation would markedly improve in our country. A better climate is today the main--and possibly the only--way towards a better economic and political system.

We are against odious fighting, peoplehunts, divisions, revenge. We are for democratic discussion in an atmosphere of sharing cooperation of all citizens and societal powers. We are aware of the fact that a complete agreement of all on everything is never possible, and it may not even be desirable. However, we are of the opinion that even adversaries can respect each other as human beings and as citizens without passion and bitterness, and can strive for compromise. After all the tragic events and shocks of the past decades, the only alternative we see is in a real national reconciliation on democratic basis. This does not mean careful silence about anything and towards everything. What we mean is a factual and creative search for a way out for the whole society.

We are of the opinion that non-violent opposition or protest against everything evil; openness towards truth, towards different opinions; and patient perseverance are the best tools which our society can use in its ensuing struggle for its emancipation, for its societal rejuvenation, and for democratic order.

Charter 77 never pursued its own particular political interest; its case is the case of the whole society. This is the reason that even today we don't ask anyone to propagate or publically support our initiative. Charter 77 never considered itself to be the only hope for our society. We are appealing to our citizens to engage themselves in something else: to recover and to think for themselves about freedom and to realize and appreciate the hope embodied in the slogan with which we were endowed in the first Czechoslovak state: "Truth prevails."

Prague, January 1, 1987
Jan Litomisky Libuse Silhanova Josef Vohryzek
Charter 77 Spokespersons

Martin Palous Anna Sabatova Jan Stern
Retiring Charter 77 Spokespersons

Jiri Hajek Vaclav Havel
First Charter 77 Spokespersons

Letter to Czech and Slovak Journalists

February 17, 1987

One of the main principles of the present political restructuring in the Soviet Union is the so-called "glasnost." This means informing society on a large scale about everything that is happening in the economy, in culture, in the social field, in areas which affect the society. It also means the active participation of citizens in creating this policy and in public control of it. The media, i.e., newspapers, radio and television, play an important role in the realization of this new policy which is directed toward the strengthening of democracy. It has come to our attention that the Soviet media today is reporting more critically, more openly and more concretely than before on problems and shortages, that it is overcoming many different taboos and that Soviet journalists and publicists are changing the methods of their work.

This democratic effort is expressing itself through live and spontaneous discussions with various people in various professions, people with fresh ideas, as well as through critical articles and reports from establishments and collective farms. All this is not only familiar to us but also reminds us of a similar effort by the Czechoslovak media to instill some dynamism into the development of our society at the end of the 1960s, particularly in 1968. Despite the difference in historical circumstances and despite the efforts of some politicians who refer endlessly to certain experiences of the crises years, we cannot ignore or fail to hear the idea that the present societal movement in the USSR evokes a coincidental, or at least similar, atmosphere of citizens' participation in the political process of democratization and revivial.

Citizens' participation in the political life of the country would, without a doubt, be beneficial to us in Czechoslovakia. Therefore, we should demand it as loudly as possible. We should also effectively stimulate it. The problem is that the Czechoslovak media reports on the changes in the Soviet Union very sporadically and often with some distortion. Readers, listeners and viewers learn only very little about the struggle of the new Soviet leadership against abuse of power, careerism and bribery. They do not learn from our media that the Soviet authorities are inviting back into the country important artists--dancer Baryshnikov, director Ljubimov, musician Rostropovic, authors Nekrasov and Aksjonov. These artists were prevented at home from creating freely. Therefore, they were forced to emigrate. Neither does the public learn that preparations are being made to publish Doctor Zhivago by Pasternak and that Soviet movie houses are showing films which were forbidden not long ago; they do not learn that in some Soviet theaters actors will be able to select their own director and ensemble and make their own plans and prepare their own agenda. Not a word was heard about an article which reported that the followers of Brezhnev tried to stop the election of Michael Gorbachev as the Secretary General. Nothing was heard about the proposed changes in the Soviet Penal Code or about the release of political prisoners. Our media did not even report on the interview given in Italy by Professor Ambarsumov in which he evaluated the events of 1968 in Czechoslovakia differently from what we normally hear.

It is not our aim to bring up the similarities between the present political movement in the Soviet Union and the political activity in our country in the late 1960s, particularly in 1968 or, in this connection, to call for the remedy of injustices and senseless decisions which affected hundreds of thousands of persons. Our aim is not--as happened so many times in the past--to squander the chance for the revival of public interest in its own social life, a chance to rouse society from its lethargy, from disinterest in public affairs, a chance to stimulate new, live and true artistic creativity, new research, a new attitude towards work; in short, a chance for a freer civic life, which is being blocked by a sense of futility and fatigue from the constantly losing battle with bureaucracy and repressive apparatus of all kinds and degrees. The present Soviet political practice is for us, no more and no less, an expression of hope that they do have the sense to strive for a society in which citizens have rights and desire to engage in discussions about public affairs in the spirit of democratic rules, to make changes and to take the responsibility for the state of affairs. It is an expression of hope that the situation will always take a turn for the better when things are being discussed publicly and openly and when everyone is equally informed of their obligations and civic rights.

The media has, for years, literally engulfed the public in insignificant information about life in the USSR. All of a sudden, the media is acting bewildered. We are being fed the same stories: "The leadership decided.....and all people agreed enthusiastically." Even Soviet representatives have reported lately that the restructuring is facing resistance from conservative elements in the party and in the state apparatus. The Czechoslovak media, however, is silent about all this. This does not surprise us. To admit that there exists in the the Communist Party of the Soviet Union conservative elements, with whom progressive elements are struggling, would be an expression which the authorities would like to eliminate from the political vocabulary. The unsatisfied Czechoslovak reader and listener who has an inkling about these things is turning to foreign press and radio, and lately also to the Soviet media. People naturally feel that the problems newly discovered and solved in the USSR are also our problems. Our media, too, is showing the first shy, critical evaluation of the state of society. However, this concerns mostly the economic side of it. Czechoslovakia, which was in the past an industrially advanced state, is falling behind today not only in comparison with Western Europe, but also in comparison with its eastern, northern and sourthern neighbors. It is even worse in culture, art, science and education. We are convinced that truthful, undistorted information about the Soviet Union, Poland and Hungary would help create an atmosphere which would assist in activating the public. Without this, improvement of the situation is impossible.

We are therefore turning to you, Czech and Slovak journalists, with a request that you report truthfully on political, social, economic and cultural changes in the Soviet Union and that you find the courage to look critically, in the spirit of openness, at the situation in our country. We request that you decide not to be an instrument of the bureaucratic apparatus and institutions of power, but to be the intermediary in the dialogue between the public and the authorities, between citizens and their clerks. Journalists have an obligation, as well as the opportunity, to see to it that the relationship between citizens and their government is a relationship of critical cooperation.

Prague, February 17, 1987

Signed by:

Otka Bednarova
Jirina Brejchova
Jiri Dienstbier
Lubos Dobrovsky
Jirina Hrabkova
Jaroslav Jiru
Jiri Kanturek
Helena Klimova
Anna Marvanova
Drahoslava Probostova
Jiri Ruml
Jan Stern
Cestmir Suchy
Olga Sulcova
Rudolf Zeman

Report of the Meeting of Charter 77 Signatories with Representatives of the United States Congress

Document No. 12/87

February 17, 1987

On February 17, 1987 Charter 77 spokespersons Dr. Libuse Silhanova and Joseph Vohryzek, Charter 77 signatory and Catholic priest Vaclav Maly, and several friends met with Congressman Steny H. Hoyer and other representatives of the United States Congress and the Commission on Security and Cooperation in Europe who were on an official visit in Czechoslovakia.

The meeting materialized upon American initiative. Human and civil rights, specifically cases of unjustly imprisoned Czechoslovak citizens, and the situation in Czechoslovakia regarding religion, churches, and culture were discussed.

Several other Charter 77 signatories were invited to the meeting. However, they were unable to attend. Vaclav Havel, Jiri Dienstbier, and Peter Uhl were detained by the security police on the street and taken for interrogation. Miklos Duray was prevented from leaving Bratislava by the STB.

The meeting of Charter 77 representatives with representatives of the American Congress was very useful. We find therefore deplorable the actions of the police, which were aimed at wrecking it.

Prague, February 17 1987

Jan Litomisky   Dr. Libuse Silhanova   Josef Vohryzek

Charter 77 Spokespersons

Excerpts from Vaclav Havel's Speech, Accepting--In Absentia-- the Erasmus Prize Awarded to Him by the Erasmus Prize Committee in Rotterdam

Your Excellency, Your Royal Highness, Ladies and Gentlemen:

The fact that the Erasmus Prize has been awarded to so many great personalities before me is humbling, and makes it difficult for me to say thank you in an appropriate way. The only thing that makes it easier is the feeling that the recognition of my work is also the recognition of Charter 77. Without the experience in Charter 77 and without the support which I found in it, it would have been very difficult for me to accomplish even the small amount that I managed to accomplish. In the honor, which is, through me, given to Charter 77, I can sense something more: appreciation to all who live in that part of Europe and who are striving for a life in truth; to those who are trying to say, aloud, what they think; to those who are defending individuals against inhuman pressures. We are furthermore showing our appreciation to those who are striving for a better world, one without wars or a government of lies; for a world without violence, repression or the destruction of our environment.

Permit me to thank the Committee for this high honor on behalf of myself, as well as on behalf of all the people in Eastern Europe, who are trying to speak and create freely, and of those who sympathize with them.

The fact that I live in that part of Europe which is divided from your part of Europe, and into which the Erasmus Prize has been awarded for the first time, makes me, during this celebration, stop to think about the division of Europe.

From many quarters--be it a government or one of the various non-conformist social movements--we keep hearing more and more often about an ideal Europe. The Europe which they envision is a continent of friendly, cooperative, independent and equal nations; a continent which, instead of embodying the threat of superpower confrontation, radiates peace into the world.

What can we do to make this beautiful vision a reality? What can we do, so that all European nations are autonomous, independent and can live without fear of their neighbors? What can we do, so that all European nations can enjoy political democracy and social justice, so that they can assist the less advanced nations in a way that would really reflect their possibilities? What can we do, so that all Europeans can feel free and secure, so that they can have legal assurances for a dignified and fruitful life? What can we do to assure that our young people would not have to spend many years learning how to kill people and that our scientists can use their knowledge to find ways to save nature, instead of finding better weapons?

The first thing we can do is to repeat that we want what we want; we all can, despite hard political realities and despite all limitations stemming from human nature and the spiritual, moral and social state of present civilization, articulate aloud our ideals and actively implement them. We all can contribute to these ideals and give it a part of our personal life, if we believe with the Czech philosopher, Jan Patocka, that there are things which are worth suffering for.

Every one of us should be able to understand and believe--

no matter how insignificant, unimportant or powerless one may be--that one can change the world. The puzzle of this thinking lies in the idea that anyone can "move the Earth." The logic of this thinking lies in the fact that if no one decides--me, you, them, us, all of us, if everyone waits for everyone else--then no one will be able to move the world. It is not true that it is impossible. However, the truth is that those who does not try will not accomplish anything.

Erasmus wrote a book entitled Praise for Madness. It is evident that the first thing I am recommending is the courage to be "mad." "Mad" in the best meaning of the word. Let us all try to be mad, and demand, in all seriousness, a change of that which is allegedly unchangeable. When you think about it, is it not a madperson who is being honored here today? And through him other such madpersons, dozens and hundreds of them, who, with their lonely calls for change of the unchangeable, are risking years of imprisonment; who are willing--in an insane way--to stand up against the giant of state bureaucracy and police with the power of their typewriters? I do not want to put myself or my friends or East European dissidents as examples for everyone to follow. I know how courageous the Dutch people were during the Second World War--and that goes for other people too. However, I feel that without an establishment of an all-European association of madpersons, we will not be able to accomplish anything, whether it concerns you or us.

Why am I talking about it now? It seems to me that this beautiful vision of free, peaceful and independent Europe cannot be realized by any dealings of presidents or governments, whether it is in Helsinki, Geneva, Vienna, or elsewhere unless the participants have the support of their people; unless they are under their pressure. What, however, is now in our power is the now understanding of our common European cause.

In closing, I have the courage to state that one of the proofs for my statement that there is a new sense of European solidarity is what is happening today: that a small West European country is awarding a Prize 450 years after the death of a great European to a man living in a small East European country. Awarding this prize to a Czech, the Dutch are demonstrating the fact, that for them--just as it does for the Czech--there exists only one Europe: a Europe divided politically, but undivided and indivisible spiritually.

Thank you,

Vaclav Havel

On the Reconstruction of the Legal System

Document No. 14/87

March 2, 1987

Economic and social reconstruction, which is being talked about so much in our country and which is forced upon the authorities because of the unsatisfactory development of the Czechoslovak society, is unthinkable without loosening up the whole social climate, without consistent expansion of democracy and civic freedoms.

The full realization of these freedoms, of civic and human rights, however, requires their legal protection.

It is unthinkable for citizens to be, on the one hand, asked to be more open and critical, more creative and courageous in their decisions when, on the other hand, they are threatened by certain legal provisions. These legal provisions make any basic and principled criticism subject to criminal prosecution. We are of the opinion that in many instances the contemporary legal system not only hinders but makes almost completely impossible courageous civic activity and real criticism of negative problems in our society.

In some of its earlier documents, Charter 77 pointed out the very serious discrepancies between the norms of the Czechoslovak Legal System and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. (The Covenants were ratified in 1975 and came into force in Czechoslovakia on March 23, 1976, in accordance with Czechoslovak Public Notice No. 120/1976 Sb.) By accepting the International Covenants, the Czechoslovak authorities also accepted the obligation to enact such laws or other measures necessary to implement the human rights provisions in the Covenants. This, however, has not as yet happened. On the contrary, many of the provisions of the Czechoslovak Penal Code are at variance with the letter and spirit of the Covenants, specifically, paragraphs 98 (subversion), 100 (incitement), 112 (harming of the interest of the Republic abroad), and 178 (obstructing state supervision over churches and religious societies). An intentionally broad interpretation of these provisions makes it possible to sentence a citizen to long-term, unconditional loss of freedom for any critical stand taken toward a single issue or toward the situation in which our society finds itself. There is also paragraph 109 of the Penal Code, concerning "illegal" departure from the Republic, which is definitely at variance with the International Covenant on Civil and Political Rights. Many citizens in Czechoslovakia have been sentenced to long terms in prison under this statute. This provision of the Penal Code should be deleted in its entirety. In our view such an "offence" should be viewed only as an administrative infraction.

A great number of critically-thinking Czechoslovak citizens are the victims of the broad interpretation of these infamous paragraphs--98, 100, 112, and 178. Many have paid dearly for it and many are still paying for it.

Especially alarming is the fact that under these provisions of the Penal Code, defenders of human and civic rights continue to be persecuted and prosecuted; persons who advocate consistent implementation of the provisions of the Helsinki Final Act; persons who consider it their civil duty not only to uphold but also to spread their views on public matters. Most concerned are citizens really committed and deeply devoted to the ideas of freedom, social justice and peace. Their activities are guided by efforts to make society better, healthier, efforts concerning the implementation of laws. These activities are in no way anti-social or illegal, but persecution of these citizens is carried out under the vague title, "hostility towards socialist social and state system." This makes it possible to apply controversial and arbitrary interpretations (of the above-named paragraphs of the Penal Code) in the decisions of state organs.

This is the reason why even justified criticism of errors and shortcomings, sent in good faith to the state organs by Jan Dus, the Evangelical pastor from Neratovic, is considered and classified as a criminal offence under paragraph 98 of the Penal Code. Also, Herman Chromy's (from Mlnik) lending of samizdat literature (including his own poetry) to other persons and expressing criticism of the state of affairs in the country led to his indictment. He was charged with a criminal offence under paragraph 98 of the Penal Code. Jiri Wolf from Jindrichuv Hradec made, with the intention of making it public, a written report on the situation in the Minkovice and Valdice Prisons and was indicted under paragraph 98. He was sentenced to imprisonment for six years, in the the third prison category. Pavel Krivka from Pardubice was sentenced under paragraph 98 of the Penal Code to three years of imprisonment for sending correspondence to a friend abroad in which he was critical of the ecological situation in the CSSR. Jaroslav Svestka was sentenced under paragraph 98 of the Czechoslovak Penal Code to one year's unconditional imprisonment for his effort to send a friend abroad part of a literary diary written in 1984, entitled "Orwell's Year." Even with an unpublished literary work, then, it is possible to "subvert the Republic." A similar fate met Eduard Vacek from Teplice, who was sentenced to one year's unconditional imprisonment under paragraph 202 (hooliganism) of the Penal Code, for copying the underground magazines Vokno (Window) and Pako. For the distribution of religious literature, the authorities are charging Frantisek Adamik from Prerov with the "preparation of a criminal offence," punishable under paragraph 98 of the Penal Code. His praiseworthy activity, i.e., helping to provide missing religious literature, is being classified as illegal. The case of Petr Pospichal from Brno is especially shocking. He is being prosecuted under paragraph 98 of the Penal Code for distributing samizdat literature, for his contacts with Polish Solidarity, and for his effort to make contact with Ivan Medek, a member of VONS living abroad. He is facing from three to ten years loss of freedom. He is only 27 years old and has been imprisoned twice already for political reasons.

All the cases cited, as well as others, are evidence of the urgent need for the CSSR to comply with its obligations under Article 2, Item 2 of the International Covenant on Civil and Political Rights. It is high time to put an end to a state of affairs where, on the one hand, a citizen has basic rights guaranteed by the International Covenants while on the other hand a realization of these rights is being criminally prosecuted. Otherwise, invitations to be critical of social problems, extended to citizens from the highest governmental and party places, could be very deceptive. Under such a state of affairs, citizens who take such invitations seriously are exposing themselves to the danger of criminal prosecution.

The situation is paradoxical even for another reason. In the Polish Peoples Republic and in the Soviet Union many political prisoners have been released from prisons and labor camps over the past several months. But in Czechoslovakia, citizens sentenced for the implementation of their civil and political rights are still in prison and others are being criminally prosecuted.

Therefore, in the spirit of the right of petition, we are turning to the Czechoslovak state organs with this initiative. We demand that the Czechoslovak State:

1. comply with its obligations under Article 2, Item 2 of the International Covenant on Civil and Political Rights by enacting such legal or other provisions as are necessary for the implementation of the Rights contained in the Pact;
2. establish Constitutional Courts for the CSSR as well as for both Republics; enact for this purpose laws of the Federal Assembly in accordance with Article 100 of the Constitutional Law of the Czechoslovak Federation No. 143/1968/Sb., thus enabling the Constitutional Courts to fulfill their functions in accordance with the Articles of the referenced Constitutional Law, specifically Article 90 (which stipulates exceptions to the effectiveness of generally binding legal norms, which are at variance with norms of higher legal authority) and in accordance with Article 92 (concerning decisions with regard to protection of rights and freedoms guaranteed by the Constitution);
3. establish a special commission of lawyers, which would review the legality of process used by organs active in criminal proceedings and that used in all cases tried under Chapter I of the Penal Code or at least in such cases brought to the commission's attention. Conclusions of the Commission, together with appropriate proposals, would be sent to the Ministry of Justice or to the Prosecutor General to settle or to the President of the Republic to grant amnesty.

We want to stress again that neither economic nor social reconstruction is possible without the consistent realization of civil rights and the safeguarding of those rights. Restructuring of the economic mechanism alone would only represent a bureaucratic act. We are convinced that if our proposals were put into effect it would represent an important signal of true democratization. The majority of our citizens hopefully await this.

Prague, March 2, 1987
Jan Litomisky Libuse Silhanova Josef Vohryzek
Charter 77 Spokespersons

Ladislav Lis, Vice Chair
International Federation for Human Rights

Anniversary of the Death of Jan Patocka

Document No. 15/87

March 3, 1987

Ten years ago, on March 13, 1977 a man died. This man's political thinking, public actions and death are symbols of philosophically justified and non-violent effort on behalf of a citizens' society and citizens' rights. He was one of the first three Charter 77 spokespersons, professor Jan Patocka.

Jan Patocka was born on June 1, 1907 into the family of a high school professor. He studied at the Philosophical Faculty at the Charles University in Prague and later at the Sorbonne in Paris, in Berlin, and in Freiberg where he became the pupil of Edmund Husserle. In 1937 he became the senior Lecturer at the Charles University in Prague where he later became a Professor of Philosophy. He retired in 1972. He was able to lecture publicly for only a few years, but he kept up contact with European philosophical circles.

For four decades his philosophical work centered on the standing of a human being in the world. Also, for many years he interpreted ancient Greek philosophy, translated many important works of foreign philosophers and edited works of Jan Amos Komensky (Comenius). Patocka became internationally famous and some of his works were published in French and are to be published in German.

Patocka's philosophical deliberations and studies--on the history of the relationship between a citizen of the state, about life before politics and political life, about the traditions of democracy and European humanism--lead one to deliberate on the situation in the Czech society, the crisis of our political and civic thinking, and to draw conclusions about the necessity of self-preserving actions.

The realization of the duty to be committed with one's whole being against the forces endangering the present and the future moral character of the nation was already on Patocka's mind in 1975 when he lectured on the spiritual responsibility of today's intellegentsia in seminars held in private homes in Prague. In the fall of 1976 Patocka stressed the importance the Czechoslovak acceptance of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It was during that time when the Plastic People of the Universe were on trial and professor Patocka was among those who spoke in their behalf. In the new year, Charter 77 was born. It was an appeal to fellow citizens and to representatives of the state for the revival of respect towards citizens and for the rehabilitation of the respect of laws which are a part of a civilized society.

During January and February of 1977, the state bodies and mass media started a campaign against Charter 77, Charter 77 spokespersons, and Charter 77 signatories. The scope of the campaign and its viciousness only confirmed the reality of the social problems which Charter 77 had brought to the attention of the authorities. Patocka was not frightened by all the attacks and resolutions issued "in the name of the People." He acted not only as a Charter 77 spokesperson, but as an authorized interpreter of the ideas of Charter 77. He was also requested to appear before the Prosecutor General, after which he happily related to others that "....the Prosecutor General considers [me] to be the spokesman for Charter 77."

The authority of his democratic convictions, his steadfastness and resolve, helped Charter 77 gain an important victory. The "total war" against it failed. Almost everyone in the country became aware of its existence and more people were able to realize what it represents. The authorities were forced to acknowledge, albeit unwillingly, its presence in the life of the society.

On March 1, 1977 Jan Patocka was visited by several members of the delegation of the Dutch Foreign Minister Max van der Stoele, who was in Prague on an official visit. Later Patocka himself visited the Dutch Foreign Minister and explained to him the aims of Charter 77. Later that night Patocka was visited by members of the security police. He was interrogated for many hours and, on March 2, 1977, suffered a heart attack. On March 3, 1977 he was taken to the hospital in Strahov and died on March 13, 1977.

The funeral took place on March 16, 1977. Flower shops had instructions not to accept orders for wreaths or for any other flower arrangements for the funeral. The access roads to the Brevnov cemetery were blocked and the security police detained many citizens to prevent them from attending the funeral. However, about 1,200 citizens did attend the funeral. All of them were photographed or filmed by the police.

However, nothing could destroy Patocka's living legacy. He was a philosopher. Despite all the adversity, he was able to fulfill the obligations of a philosophical life: to analyze strictly and to name precisely that which is important in spiritual life and in culture, to analyze history and human life on earth and to report on his findings. During the deep moral crisis of the society and nation, Jan Patocka, guided by the conscience of a European intellectual, came out of the sanctuary of his private life to speak to the endangered community as well as to those who are endangering it.

Today, ten years later, we may evaluate the meeting of Jan Patocka with the Dutch Foreign Minister as an event of historical importance. At that time, a meeting of official representatives of governments with representatives of informal citizens' initiatives and other such groups was not a "diplomatic custom." In time, though, it has become almost a condition for diplomatic visits and negotiations not only in our country but also in other countries of East and Central Europe. The world public, and especially the European public, are becoming more and more aware of the fact that questions of peaceful coexistence and human rights are indivisible. Charter 77 has several times expressed its views on this subject. Jan Patocka helped us and the world to see the importance of this basic connection. Jan Patocka would have been 80 years old this spring. Charter 77 wants to remind fellow citizens of the greatness of this man.

Prague, March 3, 1987
Jan Litomisky Libuse Silhanova Josef Vohryzek
Charter 77 Spokespersons

Vaclav Havel Jiri Hajek

Open Letter to Secretary General Michael Gorbachev

Document No. 20/87

March 23, 1987

Mr. Secretary General:

On the occasion of your visit to Czechoslovakia, we are turning to you in the name of the independent Czechoslovak citizens' initiative, Charter 77, which has been striving for the past ten years to bring about better enforcement of human rights in our country. The Czechoslovak public follows with interest the present happenings in the Soviet Union--your program of openness, democratization and the restructuring of the society. This interest is, naturally, being accompanied with a question: will the new new Soviet policy find the courage to truthfully evaluate and to soberly resolve everything that burdens relations between our countries and nations?

Nineteen years ago, the armies of the Soviet Union and of some other members of the Warsaw Pact entered our country in order to suppress our democratization movement. These armies came without the knowledge and against the wishes of our citizens, against all of our constitutional organs, as well as in contradiction with international law.

The Czechoslovak representatives were forced in Moscow to write up protocols of far-reaching political importance. The great military force of our country thwarted peaceful effort for the revival of our society. It was responsible for the fact that the political power in Czechoslovakia gradually gave up all of its efforts to democratize. The consequences of the intervention were catastrophic.

The senseless bureaucratic system of a centralized social life and economy was restored and expanded. The attitude towards the armies became one of the important criteria of citizens for the evaluation and assessment and for those citizens' participation in the work force. Tens of thousands of creative persons were excluded from public life. Fundamental political, civil and cultural freedoms were suppressed and human rights were radically limited. The economy has been stagnating and the abyss between the living standard in our country and similarly developed countries is getting permanently deeper.

The political reversal, which was the aim and the consequence of the occupation of Czechoslovakia, was the beginning of spiritual, social, and moral devastation. Corruption, protectionism, lawlessness and profiteering, as well as granting of privileges to certain classes, have become widespread. The 1968 intervention also had its fateful international consequences. Mistrust among states has deepened and efforts to relax tensions, for peaceful coexistence, and for disarmament have been compromised.

We do not expect you to solve problems, which can be--and must be--solved by our society. However, we are of the opinion that a chance for the restoration of a real normalcy between our countries should not be squandered away. It is no secret that, because of the intervention, many Czechoslovak citizens have developed deep aversion towards the Soviet Union, its people, and even towards its culture. This situation has begun to change a little during the last few months. However, it certainly is in the interest of both countries to strive for better permanent relations between our countries. We are of the opinion that you can favorably influence the Czechoslovak and European situation with a step which falls directly within the framework of your responsibility. This step would be the withdrawal of Soviet troops, as well as missiles with nuclear warheads, from Czechoslovakia.

In one of our documents, issued on the anniversary of August 21st, we stated that we understand the withdrawal of these troops to be within the broader context of European security.

Your effort regarding the withdrawal of the large contingent of Soviet troops from Czechoslovakia would be an important contribution to various disarmament negotiations. As we have stated before, the presence of Soviet troops was responsible for a tragic development, i.e., that Czechoslovakia is regarded as one of the most rigid countries in Europe. The withdrawal of troops would demonstrate to the Czechs and Slovaks that openness, democracy, respect for human rights and the will for peace are real as far as you are concerned. It would demonstrate that which you are calling "new thinking" is not limited to a framework of tabulated themes which were the order of the day of your former leadership.

We could go even further. We dare to state that freedom, democracy, and the all-human values about which you spoke recently are indivisible. Those who deny them to others can not really enjoy them themselves for long.

If the Soviet Union removes the road blocks which it had previously placed in the way of the processes of democratization and development in Czechoslovakia, it will contribute to a speedier democratization process of its own. At the same time it will strengthen trust among nations and states, without which even well-intentioned peace initiatives will be wrecked.

Mr. Secretary General, please accept this letter as an expression of our openness and sincerity.

Prague, March 23, 1987
Jan Litmisky Libuse Silhanova Josef Vohryzek
Charter 77 Spokespersons

Rudolf Batttek Vaclav Benda Jiri Dienstbier Jiri Hajek
Vaclav Havel Ladislav Hejdanek Marie Hromadkova
Eva Kanturkova Marie Rut Krizkova Ladislav Lis
Vaclav Maly Anna Marvanova Jiri Ruml Martin Palous
Radim Palous Jana Sternova Jarosloav Sabata Jan Stern
Former Charter 77 Spokespersons

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Translator's Note: On the same day Charter 77 issued document No. 21/87, which was addressed to all constitutional representatives of the CSSR and expressed similar ideas to those in the open letter to Mr. Gorbachev. It was signed by current Charter 77 spokespersons and Vaclav Havel and Jiri Hajek. We will forward the document as soon as we receive the Czech text.

Letter on the Occasion of General Secretary Gorbachev's Visit to Czechoslovakia

Document No. 21/87

March 23, 1987

TO: The Presdient of the Republic, the Prime Minister of the Federal Government of the CSSR, the Chair of the Federal Assembly of the CSSR, the Federal Government of the CSSR, and the Federal Assembly of the CSSR

Mr. President, Mr. Prime Minister, Mr. Chaimran, Members of the Government, Members of the Federal Assembly:

We are turning to you on behalf of the independent citizens' initiative Charter 77 on the occasion of the forthcoming visit to Czechoslovakia of the General Secretary of the Central Committee of the Soviet Communist Party, Mikhail Gorbachev. We are of the opinion that this visit may provide the basis for greater efforts to overcome the political, economic, and moral crisis that has prevailed in our country for almost two decades. The Soviet Union is currently reassessing many aspects of its domestic and foreign policy and from the remarks of some of the Soviet leaders, it is possible to surmise that the Czechoslovak question need not be an exception. In our view, however, it is necessary for this initiative to come from the Czechoslovak side.

The present crisis of our society was, without doubt, created by the forcible curtailment of the democratization process in 1968 by the armies of several Warsaw Pact States, as well as by the Moscow Protocol and the subsequent policy which disrupted the social structure in Czechoslovakia and made the natural evolution of society in accordance with its needs impossible. Undemocratic centralized administration led to economic, political, cultural and moral decline. Criticism of stagnation, of backwardness and of many other negative facts and events was met by the authorities with human rights violations. This was despite the fact that International Human Rights Covenants have become a part of the Czechoslovak legal system.

With regard to international relations, the entry of troops into Czechoslovakia, their permanent stationing there and, later, the installation of missiles with nuclear warheads, caused the trust necessary for the development of the European peace process to weaken.

We therefore request that in your discussions with the Soviet leaders you propose the gradual withdrawl of troops and of missiles with nuclear warheads from Czechoslovakia and the reappraisal of agreements stemming from the Moscow Protocol of August 1968. In one of our documents issued on the occasion of August 21st, we stated that we understand the question of the presence of Soviet troops to fall within the broader framework of disarmament and peace strategy discussions. However, this is precisely the reason why the troop withdrawal, as an expression of the required "new thinking," would assist not only the restoration of national and state independence, but would also assist the peaceful evolution of the European Continent. It would give hope for the success of disarmament negotiations. In general, it would assist in creating the conditions necessary for solving problems facing humanity as a whole, with a view to the tasks presented by new technology, scientific advancement, tensions stemming from the position of human beings vis-a-vis technology in the modern world, the necessity of protecting the environment on a global basis, and the increasing differences between the rich world and the poor world.

At the same time, we request that you draw the necessary conclusions from the re-evaluation of the post-August policies as far as the internal development in Czechoslovakia is concerned and with regard to the restoration of respect for the human rights of all citizens and for the development of democracy.

No declarations of the necessity of a new policy, no minor reshuffling of the leadership will make the citizens get involved actively and publicly as long as there are persons imprisoned for their independent and critical views and unless there is an end to the discrimination practiced against many citizens and many ideas and unless all citizens, without exception, without screening and without power manipulation, have the same opportunity to develop their ability for the benefit of society. It would be impossible to overcome twenty years of stagnation and to restore dynamism to any area of national life, including the economy, without these fundamental changes.

Therefore, it is imperative to restore Czechoslovakia to the standing of an advanced civilized country--a country, which will stop being "the sick man of Europe" and which will take its place among the exponents of the social, cultural and political aspirations of humanity.

Those who are unwilling to grasp the historical opportunities now offered and who only seek to maintain their positions of power and the privileges stemming from it, should make way for others.

Jan Litomisky   Libuse Silhanova   Josef Vohryzek
Charter 77 spokespersons

Vaclav Havel   Jiri Hajek

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Translator's Note: On March 24, 1987 Charter 77 together with VONS (Committee for the Defense of the Unjustly Persecuted) issued Document No. 19/87, calling on the government of Czechoslovakia--including the President--to stop all political trials. The document is a recapitulation of all the cases brought to public attention by VONS. Information about all these cases was sent to all interested parties. The document notes that all the trials or appeal hearings have been postponed. The document is signed by current Charter 77 spokespersons and by Ladislav Lis, Vice-Chairman of the International Federation for Human Rights and by Anna Sabatova on behalf of VONS.

Copies were also sent to the Federal Assembly and the Ministry of Justice.

Vaclav Havel's letter to the Prosecutor General of the CSSR

August 25, 1985

Mr. General Prosecutor:

I consider it my duty to inform you of actions taken against me by certain sections of the security police. I am convinced that these actions were arbitrary and that there was no reason whatsoever for them to be taken. They were illegal and damaged the reputation of the Czechoslovak State apparatus at home and abroad.

Since the spring I have been planning--after so many years--a week's vacation trip around the CSSR to visit places I do not know and visit some of my friends who live outside of Prague. I planned to take the trip with my friend, Jitka Vodnanska, and, because of her time schedule, I planned the trip for August 9th to August 17th, 1985. I talked openly about this trip and I have referred to it in correspondence with those friends whom I planned to visit. I surmised, then, that the organs of the secret police were well informed about it, which did not matter to me since I had no reason to keep the trip a secret. (It may be that this conjecture on my part could be viewed as an unfounded suspicion that the police are violating the privacy of mail. This suspicion, however--after so many experiences in the past--was not unfounded. In this particular case it was confirmed by the fact that the homes of some of my friends whom I planned to visit were, on the day I was supposed to be there, surrounded by the police. In other cases, the local police were informed of my planned visit and were instructed to report immediately the arrival of my car. This police preparation could not have been based on anything else but on information obtained from my correspondence.)

Four hours before our planned departure from Prague, a Tatra 613 car arrived in front of our house. Three plainclothes members of the security police informed me that their task was to follow me on the territory of Prague, which they did. When I left Prague with Jitka Vodnanska and started our trip, they stopped following us--but not until another car, also a Tatra 613, with three other plainclothes security police took over the surveillance. They did not mask their "mission" but talked quite freely about it. Our first stop was the home of our friend Ladislav Lis in Peklo near Ceska Lipa. When we arrived there, the police from Ceska Lipa were there and took over our surveillance (more proof that the police were well informed about our trip). They walked behind us when we took a walk in the woods and later they stayed in front of the Lis house.

At about 8 p.m. the house was filled with a great number of the security police, who came to conduct a search of the house. Their goal was to find a document of Charter 77 concerning the 17th anniversary of the invasion of 1968. As law prescribes, they asked Ladislav Lis to hand over the document voluntarily. Lis replied that he did not have the document. They said that they would await further instructions. As was later ascertained, another group of the security police entered the home of Jiri Dienstbier, Charter 77 spokesperson, with the same request. Dienstbier gave them the requested document so there was no reason to conduct a house search. Despite that, a search was conducted by the police.

In the meantime we had dinner with our friends in Lis' house while members of the security police were still waiting for further instructions. After a lengthy exchange of words, we at least made most of them leave the house and wait outside. Four remained inside the house and silently watched us for three hours. At about 11 p.m. more police entered the house and started to conduct a search, which was unnecessary since the police already had the document. Then I was detained and taken to the police station in Bartolomejska Street in Prague, where I was subjected to a short interrogation. I was asked two questions: (1) what do I know about the Charter 77 document and (2) what was the goal of my vacation trip. I told them the truth, that I did not know anything about the document, that my trip was recreational and had nothing to do with my citizen's involvement and therefore had nothing to do with the August 77 document. Even if possession of such a document was something suspicious, it was not found in Lis' house nor in my house so there was no reason to connect our names with it nor to delay us. Despite that, I was held "on suspicion of preparing for the criminal offence of hooliganism"(!). I was detained for 48 hours. As I later found out, Ladislav Lis and Jiri Dienstbier were also detained for the same number of hours.

This first detention had no substantiative rationale and could not lead to the disclosure of new facts which would substantiate the charge against me or which would open the way for a possible indictment. Thus, I was released after a 48 hour detention and any "suspicion" of me expired.

On August 12, 1985 I returned to the Lis' house where J. Vodnanska waited for me and where my car was. After a senseless two-day delay, we continued on our trip--without surveillance. I was under the impression--wrongly, as it turned out--that the police accepted my vacation trip and that they no longer viewed it as "suspicious." We arrived the same day at the summer home of Vlasta Chramostova and Stanislav

Milota in Prysek. That evening, we discovered that the house was under surveillance. A car with plainclothes security police was outside. In the morning I asked them whether their task was to follow us or if we should expect further complications. I told them clearly that if the police still regarded my trip with suspicion and if they intended to disrupt it in various ways, to interrogate my friends because of our visit, if they intended to detain them or search their houses or homes, then I was prepared to end my trip prematurely and go to my summer home in the mountains, in Krkonose. I was assured by the police that I was free to continue my trip and that there would be no more complications. I would only be under surveillance.

That was the case. During the next few days, we visited several friends and some historical places. (We had to make changes in our original plan because of the two-day delay; however, it is worth mentioning that, as I found out later, the police had under surveillance the homes of those friends whom we could not visit because of the delay and because we had to take a different route for the trip.) We were under surveillance constantly by plainclothes security police who had several cars at their disposal. In places where we had to stay overnight, the police who followed us transferred the surveillance to the local police until the next overnight stop. All of them talked with me and behaved quite correctly. When we lost our way, they told us which way to go. Again this points to the fact that they knew very well where we were going. However, they did ask for an I.D. from several people whom we gave a lift and at one stop they checked our car for safety and looked at all the documents in our luggage.

When we arrived in Olomouc on August 15, 1985, more police became engaged in our surveillance. I decided to prevent or forestall other eventual complications (especially because we were nearing the ticklish Czech-Slovak border) by writing a letter to Colonel Riha or some other high officer of the security police in Prague responsible for decisions or actions concerning me personally. In my letter I referred to their assurances that there are some spheres in which it is possible to arrive at some agreement and I reminded them that they told me not to hesitate to call on them should I find myself in some unclear situation. (They even gave me their direct telephone number.) Recalling their assurances, I tried to reach some type of an "agreement," if it can be called that. I wrote in my letter that if they view my trip across CSSR with displeasure, if they view it as improper or suspicious or undesirable, and if they intend to follow it with further actions or if these actions should escalate (for example, by subjecting me and other persons to new interrogations and house searches) then I was prepared to end the trip of my own free will and return home. However, if they were going to stick to just surveillance, then I would continue my trip. (I am used to constant surveillance and if surveillance would be a barrier to my movement, I would not be able to move at all.) I handed the letter over to those who were following me and they promised to forward it to Prague. I also asked the addressee in my letter for an answer through those who were following me.

Over the years, I have been informed by interrogators many times that the duty of the security police--in my case the STB--is to try to prevent criminal activity, to forestall confrontations, to warn, etc. etc. (However, it goes without saying that their idea as to what constitutes criminal activity differs sharply from mine.) In view of this I considered my letter to the STB a way of giving them a chance to warn me and as a signal that I was ready, should a warning be given, to follow it. I also stressed that a serious new confrontation, which I would like to prevent, would have wide publicity (as was the case with the confrontation at the home of Ladislav Lis). Neither the authorities nor myself are interested in this. My "ambition" is not to enter into the subconscious mind of people as a man who gets arrested every week.

We continued our trip. I received no message, no warning and no hint which would in some way be an answer to my letter. I regarded this as a quiet agreement with the police to continue our trip and as a sign that no serious complications would arise.

How mistaken I was!

On August 16th, 1985, around 8 p.m., we arrived in Bratislava and stopped at the home of my friend, Miroslav Kusy. We wanted to stay there overnight. We planned to end the trip the next day at my summer home in Vlcice near Trutnov. About ten minutes after we entered the Kusy's home, the doorbell rang and the home was filled with security police armed with authorization to search the house. I was again detained and taken to the Ministry of the Interior in Bratislava where I was subjected to the same interrogation as I was a week before in Prague. The interrogation concerned the August document of Charter 77 and the reason for my trip across the CSSR. Again I became the subject of "suspicion"--this time, for a change, "for the preparation of the criminal offence of incitement...." Even though my previous detention clearly indicated that--even from the point of view of the STB--I was "under suspicion" without reason and even though the police, who had me under constant surveillance, did not find any new facts I became a suspect for the second time and for the same reason I was a suspect before, namely, that my trip was in some way connected with Charter 77 and its August document. This time the suspicion was more than without reason, it was senseless. No document was found and it was obvious that my trip had no connection with it. If the police, despite all the evidence to the contrary, still felt that my trip was suspicious, they had plenty of time and many occasions to prevent my alleged "preparations for criminal offences" and warn me against such actions. They are, according to law, required to do this. I could have been warned during my first detention or at any time during the trip across the CSSR while I was followed constantly by the police and under their surveillance. I also could have been warned against taking or continuing the trip in reply to my letter. (The letter, by the way, was a great compromise on my part: knowing full well that I would not do anything during the trip that might be construed as a criminal act, I asked the police whether they wanted to warn me against continuing the trip and at the same time let the police know that I was willing to abide by any eventual recommendation.)

Despite all this, and despite the fact that I explained all this during the first interrogation, during the first dentention, I was again detained as a suspect. I was followed into detention by Miroslav Kusy, Tomas Petrivy, who was visiting the Kusys and was there when the police arrived, and by Jitka Vodnanska, who is not a Charter 77 signatory and therefore cannot be under suspicion for any such allegations. House searches were conducted in the homes of Miroslav Kusy and Tomas Petrivy. The police confiscated the usual things they confiscate, those things which I always transport from Prague to my summer home: various documents concerning the European

Peace Movement, exile and ethnic newspapers and books--including my book, which was thoroughly checked by the authorities--and letters from prison. In addition, the police took many other things which are not normally confiscated: twenty-five cassettes of publicly performing singers and bands (including Pink Floyd, John Lennon, etc.), a container for these tapes, an address book belonging to Jitka Vodnanska, paper, and a map of the CSSR marking the roads which we took.

I protested my detention in Bratislava and I staged a hunger strike to give my protest more power.

When I was released from detention on the afternoon of August 18, 1985, I was taken to my car in front of the Ministry of the Interior. An elderly man came from the building. He did not introduce himself. He could have been a deputy Minister or a janitor. He authoritatively ordered me to leave Bratislava immediately. He did not even let me make a phone call. He also told me that I should not come back for the next twenty years and that I should relate the same message to my friends.

The same morning Jitka Vodnanska was placed on a train in the company of the security police travel to Prague. This was done against her will since she wanted to travel with me and had in my car all her things, including keys to her apartment. Meanwhile, that afternoon I was led out of Bratislava by a police escort (allegedly for 20 years) and then followed all the way to Prague, and then from Prague to my summer home in the country, where we arrived on August 19th, 1985.

From its founding, Charter 77 has stressed (and I have said and written many times) that it is a citizens initiative based on the right to petition guaranteed by the Constitution. All persecution and criminalization of its work is contrary to the Constitution of the CSSR, the International Covenants on human rights, and many other laws, as well as to a healthy mind. Even had my trip across the CSSR been in connection with Charter 77, it would not have been, in my view, a reason for any police actions against me. My trip, as ascertained through all the interrogations, all the searches and surveillance, had nothing to do with Charter 77. Even those who would like to view activities connected with Charter 77 as criminal activities did not regard my trip in that light and there was no reason for police action at all, let alone on such a scale. The consequences of my trip can be summarized in this way:

(1) My trip, directly or indirectly, for various lengths of time employed, according to my estimation, about 300 members of the security police. Not even counting the expenses for gas, etc., this cost the Czechoslovak government at least 100 times more than the trip cost me.

(2) The trip was spoiled for me a little bit, but not completely. I will certainly remember it longer than I would had it been an uneventful trip.

(3) All the senseless police actions, inlcuding my two detentions and the detention of five other persons, were taken for no reason whatsoever as far as August 21st goes. On the other hand, these actions brought to public attention, at home and abroad, that almost forgotten anniversary and the practice of that regime--brought to power aided by the intervention of the Warsaw Pact countries--of using such police actions against its citizens. These police actions have also brought to public attention the Charter 77 document with which I became familiar through foreign broadcasts after my return home and provided for the document a colorful addendum.

The eyes of the international public, thanks to certain sections of the Ministry of Interior, have focused on our country in a way which did not bring it any glory.

(4) The police had many easy opportunities to warn me about the trip and to dissuade me from taking it. But they did not use these opportunities. This leaves me with the impression--for reasons about which I can only speculate--that someone was very interested in bringing attention to all these confrontations.

Your task is to watch over the implementation of laws in our country. I ask you, therefore, to examine what I have described here with respect to our laws, the authority of the security police and, above all, with regard to wider political interests of the Czechoslovak state.

August 25, 1985 Vaclav Havel

Statement by Dr. Ladislav Hejdanek at the Commemoration of the 50th Anniversary of President Thomas Garrigue Masaryk, Held by Charter 77 in Lany

September 13, 1987

Friends:

We meet here to pay respects to one of the giants of Czech and Slovak history, a great European. Our motives differ; different also is our fate, as is our unshakeable belief that it is necessary in our country to renew and strengthen human and civil rights. It was Masaryk who has--as few people have in Czechoslovakia--succeeded in enforcing and defending human and civil rights, as well as freedoms. There may be differences among us when evaluating his contribution; however, we will agree unanimously that it is a national disgrace that the founder and first President of Czechoslovakia has been banished from national consciousness for many decades, left on the periphery of general interest. We came here, too, to spell this out and to raise our voices against it.

Against whom are we protesting? Above all else there is nothing but justified criticism of the official cultural--or rather uncultured--policy. This policy includes the removal of Masaryk's statues and other monuments dedicated to him, the liquidation of the Masaryk Institute, including a large library and archives; the removal of his books and books about him from all public libraries, and allowing fleeting and untrue references about him in textbooks and other publications to remain. How could we, as a nation, put up with this? Is this not evidence of a refutation of Masaryk's spiritual heritage? Why did we not perceive attacks on Masaryk's memory and his work as attacks on ourselves, as attacks on the very roots of our life?

According to the laws, Masaryk founded the State. Have we cared enough for the State and its democratic institutions? We have to admit that we did not show great resistance when defending the State or democracy. It seems we have renounced, as a nation, reformation. During the era between the First and Second World War our Republic was the most democratic country in Central and Eastern Europe and even in all of Europe. However, we did not do what we should have done in order to preserve our freedom and independence when we were threatened and occupied by an adversary. When our liberation was threatened following the Second World War, we did not protest enough. The result was that our nation had to go through trials, imprisonments, executions and rehabilitation, and some of us may think or feel that we have lost our national consciousness.

We wanted today to pay our respect in honor of Masaryk's memory. Now we stand here as offenders. Did we and are we doing enough to be worthy of his "blessing?" We are concerned today, as he was many decades ago, with Czech and Slovak political independence. However, Masaryk told us that "political independence will not redeem us or save us; we had independence and we lost it.... Let us seek truth; we need ideas...live, great ideas, and we will never be small. We have to have ideas not only for ourselves, but ideas acceptable to everyone."

In the past we did not succeed in demonstrating that it is possible for people of several nationalities and of different faiths and social circles to live together peacefully in one state, and to feel at home. We cannot have a privileged class on one side and people who feel like second class citizens on the other side. This, of course, is true with regard to all of Europe and the world. Today, however, we have to make it our task and goal to strive for better conditions in our country if we do not want the situation to endanger our nation and Europe as a whole.

We have to learn from examples in the past. Masaryk also had examples to which he would point, such as Havlicek and Palacky. We can assist development by "re-establishing contact" with Masaryk, his legacy. This would be in accordance with our Constitution and with cultural rights embodied in the Helsinki Final Act, as well as in the International Covenants which were ratified by the government a long time ago. This is why we request approval for the establishment of an independent T.G. Masaryk Society which would include public activities such as lectures, publishing, scientific activities, etc. We also request the approval for the re-opening of the Masaryk Institute. All this would assist in learning about Masaryk's life, work, and his thoughts and his legacy.

Remembering Masaryk today does not mean a return to the past. It actually means thinking about ourselves, our children, and our grandchildren. Without "re-establishing contact" with him we cannot even deal with the problems of today; we cannot solve the "Czech question" and we cannot overcome the crisis. It is not mere words when we state our belief that Masaryk is for us--for our nations and our society--a question of our future.

Letter to the Delegates of the CSCE in Austria, Vienna

September 25, 1987

Ladies and gentlemen:

We are addressing you in the name of the Czechoslovak citizens' initiative Charter 77.

This citizens' initiative has, for over ten years now, been expounding its activities in the spirit of Principle VII of the Final Act, signed in Helsinki in 1975. It is contributing to the development and to the strengthening of the Helsinki process, which should be--as is evident in all documents connected with the Final Act--not only a concern of governments, but also of nations and their citizens.

We want to assure you that we are following your deliberations with great attention. We did, with the same attention, follow the deliberations in past post-Helsinki Conferences in Belgrade and Madrid, as well as the activities of experts on human rights who met in Ottawa and in Bern in 1985 and 1986, respectively

We value the fact that you, too, have in your deliberations dealt in detail with questions of human rights. Respect for human rights confirms the peaceful policies of the respective states and thus also strengthens mutual trust. We want to use this occasion to thank those of you who have, during these deliberations, dealt with information and suggestions submitted by non-governmental organizations, citizens' initiatives and associations, including Charter 77 signatories.

Ladies and gentlemen, the Vienna Concluding Document should be a further step towards strengthening cooperation and security in Europe. We believe that in this document human rights should again have an important place; we are hopeful that they will be strengthened and more respected as a result of your deliberations.

We noted with appreciation that deliberations concerning questions of human rights were more openly and positively conducted by certain delegations which in the past were not willing to discuss such questions in international fora. We also accepted with interest the information concerning the proposal of the Soviet delegation to hold an international forum on humanitarian questions and other aspects of the Helsinki process in Moscow.

The basis for such a forum should be the implementation of principles and provisions of the Universal Declaration of Human Rights and of International Covenants on human rights.

We are aware of the fact that there are differing views with regard to organizing such a forum in Moscow. We would regard such a forum as progress--but only under the condition that not only governmental delegations would participate, but that also institutions, organizations, associations and citizens' initiatives which have been actively and seriously pursuing these questions for some time would be able to take part.

The Helsinki process would thus become more of a concern of nations of ordinary people--citizens--who would be able to contribute to it new creative suggestions.

In this connection we consider it appropriate to support the effort of Soviet unofficial associations and independent groups which are active in humanitarian questions, in questions of peace, and in questions of European security and mutual confidence among states to organize an unofficial meeting on these questions in Moscow prior to the opening of the international conference.

We are convinced that this would be in accord with the Helsinki Final Act, which recognizes the right of all individuals to know their rights and obligations and to act upon them, as well as with the Madrid Concluding Document, which speaks of the relevant and positive role to be played in questions of this kind not only by governments but also by institutions, organizations and individuals.

We wish your work good course, without obstructions, and hope for positive results. We believe that it will contribute to peace, security and cooperation of all participating states and nations and that it will enhance individual applicability of human and civic rights and freedoms.

Prague, September 25, 1987
Jan Litomsky Libuse Silhanova Joseph Vohryzek
Charter 77 Spokespersons

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